

Agenda

Environmental Protection Commission

RECORD COPY EPC Meeting
File Name ADM-1-17 September 1995
Sarders Initials JG

September 18, 1995

2:00 PM

City Council Chambers, Spencer City Hall
418 Second Avenue West, Spencer, Iowa

(Commission tour will precede the meeting, leaving The Hotel
at 12:15 p.m. to tour the Toby Shine Recycling Facility)

On Tuesday, September 19, the Commission will leave The Hotel at 8:00 a.m. to tour the
Siouxland Mat Company and Gary Harpenau Swine Facility

Public Participation (Sept. 18)

2:30 P.M.

Delet Appointment = Paul Klocke (Item #17A)

~~4:00 p.m.~~

Agenda topics

1. Approve Agenda
2. Approve Minutes of August 21, 1995
3. Director's Report Larry Wilson (Information)
4. By-Products and Waste Search Services (BAWSS) Contract Stan Kuhn (Decision)
5. Scott Area Solid Waste Management Commission Regional Collection Center Grant Contract Stan Kuhn (Decision)
6. Approval of FY 97/98 Budget Request Stan Kuhn (Decision)
7. Landfill Alternatives Financial Assistance Contracts Approval Teresa Hay (Decision)
8. Monthly Reports Allan Stokes (Information)
9. 1996 Environmental Monitoring and Laboratory Services Agreement with the University of Iowa UHL Allan Stokes (Decision)
10. Agreement with UHL - Iowa Total Coliform Rule Compliance Assurance Project Allan Stokes (Decision)
11. Section 319 Nonpoint Source Pollution Control Project Contracts Allan Stokes (Decision)
12. Final Rule--Chapters 60 and 62, Effluent and Pretreatment Standards Allan Stokes (Decision)
13. Proposed Rule--Chapter 83, Laboratory Certification Allan Stokes (Information)

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|----------------|---|----------------------------------|
| 14. | Proposed Rule--Chapter 22, New Source Review - SO ₂ Nonattainment Areas | Allan Stokes (Information) |
| 15. | Proposed Rule--Chapter 22, Air Quality Construction Permits Exemptions | Allan Stokes (Information) |
| 16. | Air Quality Budget and Permit Fees | Allan Stokes (Decision) |
| 17. | Referrals to the Attorney General a) Paul Kloeke (Carroll) | Allan Stokes (Decision) |
| 18. | General Discussion | |
| 19. | Address Items for Next Meeting | |

**Next
Meeting
Dates**

October 16, 1995

November 20, 1995

December 18, 1995

ENVIRONMENTAL PROTECTION COMMISSION

Monday, September 18, 1995

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

| | | |
|-----------------------------------|---|--------------------------|
| Richard Kelley Jack Clark | UHL Iowa Utility Assoc. | DM Des Moines |
| Lucy Colwell from Harold Trask | Metro Waste Auth. IPPA | DM Renwick |
| Amy Christensen | Sullivan & Ward | Des Moines |
| Jim Birch | Briel - Gentry | Des Moines |
| FRED THIES Perry Beener | METRO WASTE AUTH DM Register | D.M. Dan |
| Warren Shuron Scott Young | Foth & Van Dyke Bryan Cave | Eden Prairie KC |
| Christopher D. Hess | U.S. EPA | Kansas City, KS |
| Eldon McAllister Andy Baumer | IPPA Iowa Pork Producers Assoc. | Des Moines Des Moines |
| Lyle Goll Gloria Goll | Citizen against factory farms Citizens against factory farms | Klemme Klemme |
| Chris Gault | Farm Bureau | WDSM |

RECORD COPY *EP C*
File Name *ADM-1-1-1 Meeting*
Senders Initials *JL Sept-1995*

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

SEPTEMBER 18, 1995

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson King at 2:10 p.m. on Monday, September 18, 1995, in City Council Chambers, Spencer City Hall, Spencer, Iowa.

MEMBERS PRESENT

Verlon Britt
Kathryn Draeger
William Ehm
Michael Fesler
Rozanne King, Chair
Charlotte Mohr, Secretary
Kathryn Murphy
Gary Priebe, Vice-Chair
Terrance Townsend

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Delete: Item # 17 - Referrals to the Agenda (Paul Klocke)

Director Wilson explained that the referral will be deleted from the agenda due to time constraints today; it will be brought before the Commission in October.

Motion was made by Terrance Townsend to approve the agenda as amended. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Gary Priebe to approve the meeting minutes of August 21, 1995, as presented. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Larry Wilson, Director, reviewed the Commission tour to Shine Brothers Recycling plant prior to the Commission meeting and related that there was a sign posted at the facility indicating Landfill Alternatives Financial Assistance grant funds were used for the purchase of some of their equipment. He covered plans for the Commission tour on Tuesday.

Director Wilson stated that the UST-TAC and Animal Agricultural Consulting Organization (ACCO) rules will be mailed to the Commissioners in the next week.

Scott Young stated that the next meeting of the UST-TAC is on Friday, September 22, and the department's revisions will be presented for committee approval at that time. The proposed rules will then be sent to each Commissioner.

Director Wilson stated that the rules will be presented to the Commission for a decision at the October meeting.

BY-PRODUCTS AND WASTE SEARCH SERVICES (BAWSS) CONTRACT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The By-product and Waste Search Service program is funded with solid waste tonnage fees as established in Iowa Code 455B.310. This program facilitates waste exchanges from generator industries to other industries or recyclers that can use the waste material as a raw material. Applications for this grant were reviewed by representatives from DNR, the Department of Economic Development, and the Iowa Waste Reduction Center. One project was selected that exceeds \$25,000. Approval is requested for the following project.

Des Moines Area Community College \$62,400 for a 17 month contract from November, 1995 to March, 1997

ATTACHMENT A

1995 - 1997 PAYMENT AGENT AND BUDGET (17 month contract)

Payment made to: Fred Gilbert, Vice President of Research and Development
Des Moines Area Community College
2006 South Ankeny Boulevard

Ankeny IA 50021
515-964-6431

| <u>Cost Description:</u> | <u>State Funds:</u> | <u>MWA</u> | <u>DMACC</u> |
|-------------------------------------|---------------------|-----------------|-----------------|
| <u>Personnel</u> | | | |
| Salaries and Fringes | \$50,541 | \$8,922 | \$8,390 |
| <u>Travel</u> | | | |
| On-site visits | 3,650 | | |
| Qtrly Meetings and conferences | 850 | | |
| NRA conference | | 1,000 | |
| <u>Communication</u> | | | |
| Telephone | | 400 | |
| Postage | | 400 | |
| <u>Professional Development</u> | | | |
| Quarterly Meetings/conferences | 750 | | |
| Subscriptions | 100 | | |
| Other-memberships | | 100 | |
| <u>Education/Training</u> | | | |
| Business Workshops | 1,850 | | |
| Cross Training for BAWSS | | | |
| Rep and DMACC | | | 13,845 |
| Program Evaluations | | | 11,348 |
| Office Supplies | | 400 | |
| MWA communications | | 2,500 | |
| Facilities - office space, computer | | 3,000 | |
| Indirect Costs | 4,659 | | |
| Total: | <u>\$62,400</u> | <u>\$16,722</u> | <u>\$33,583</u> |

ARTICLE V. STATEMENT OF PURPOSE

This Contract is entered into to conduct a by-products and waste exchange program with Des Moines Area Community College to serve Dallas, Jasper, Polk, and Story counties. The contractor shall coordinate activities with other state or multi-state waste exchanges, including the By-product and Waste Search Service at the University of Northern Iowa. The results of the

project and any information gained or equipment purchased as a result of this grant becomes public information.

ARTICLE VI. SCOPE OF WORK

The Contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

- 6.1. In order to successfully operate the waste exchange program and complete waste exchange activities in the regions funded through this Contract, the Contractor shall provide the following staffing: a full-time BAWSS representative, 10 % staff time by the President of Research and Development at Des Moines Area Community College, 5% staffing by the Director of Resource Development at Des Moines Area Community College, 5% staffing by the Dean of Advanced Technology Center at Des Moines Area Community College, 5%, staffing by clerical and Administrative Services at Des Moines Area Community College, 5% staffing by the Project Director at Metro Waste Authority, 5% staffing by environmental specialists at Metro Waste Authority, and 5% staffing by an intern at Metro Waste Authority.
- 6.2 The Contractor's activities shall include promoting the use of waste reduction, recycling and the waste exchange project to regional business and industry. These activities will include, but not be limited to, one-on-one education and interaction at business and industry sites, referrals to the IWRC and the Department's WRAP program and other appropriate programs.
- 6.3 The Contractor shall conduct active searches for generators and users of hazardous and non-hazardous materials which would otherwise be sent to landfills or other disposal sites or kept in storage.
- 6.4 The Contractor shall facilitate matches of materials between generators and users. This will include, but not be limited to, the following: identifying hazardous and non-hazardous materials purchased and/or sent to landfills or other disposal sites by companies through on-site visits, and encouraging those companies to work with each other on possible transfer of material; and making phone calls to users, recyclers and generators of various hazardous and non-hazardous materials and encouraging them to work with each other on the possible transfer of material.
- 6.5 The Contractor shall track and document all work (see "Reports and Other Documentation" Article VIII.).
- 6.6 The Contractor shall use available resources to facilitate the matching of generators with users. This will include, but not be limited to, the following: identifying/communicating with business personnel who operate recycling or material collection centers or related industries; communicating with business and industry personnel with exemplary waste reduction and recycling programs and educating all interested parties about the waste

exchange; and using resources explained and/or provided through workshops and meetings.

- 6.7 The Contractor, working with the IWRC as appropriate, shall strive to assist at least 8 companies with hazardous materials and actively work to transfer those materials for appropriate reuse.
- 6.8 The Contractor shall facilitate matches of hazardous materials whenever possible. If the Contractor has any questions on hazardous or potentially hazardous materials, IWRC staff should be consulted. Waste exchange Contractors are not responsible for nor should they become involved in hazardous waste determinations or related work, such as giving regulatory advice.
- 6.9 The Contractor shall strive to complete BAWSS initiated matches to transfer materials for reuse or recycling at a cost of \$50/ton or less.¹
- 6.10 The Contractor shall work cooperatively with the Department, IWRC and all Contractors and other non-funded participants in the waste exchange program. This, in part, includes ongoing communication with all involved parties; participation by all Contractors (the regional representative from the region funded through the grant) in the training workshops and meetings; participation in telenets (conference calls); communication with IWRC staff for technical assistance and on a monthly basis through reports; and quarterly progress reports to the Department and the IWRC (see "Reports and Other Documentation" Article VIII).
- 6.11 The Contractor shall be required to keep detailed information about all new markets identified (see "Reports and Other Documentation" Article VIII). Before referring generators of potentially hazardous materials to new markets (e.g., drum reconditioners who have never been researched by IWRC as to their handling procedures), the Contractor shall be required to contact the IWRC.
- 6.12 The Contractor shall be required to meet with/educate community officials and other interested parties such as economic development agencies, chambers of commerce, city and county government offices (including solid waste), and landfills about the need for waste reduction and recycling and the need for programs such as BAWSS and assist them in understanding the goals and benefits--both environmentally and economically--of the waste exchange, including its emphasis on the diversion of valuable non-hazardous and hazardous materials from landfills and other disposal sites. The objective of these efforts is to secure their support for the waste exchange and, as necessary, to identify needs and accomplish diversion of materials from landfills and other disposal sites.

¹ This figure is calculated by dividing the number of tons diverted into grant dollars expended.

- 6.13 The Contractor shall conduct two half-day waste management workshops for businesses that will incorporate some of the following agenda depending on the appropriateness for the audience and time frame: representatives from business within the project region that have successful reduction, recycling or reuse programs, programs and resources that help business to reduce their waste stream, regional recycling markets and service providers, and waste haulers. Waste exchange services, waste reduction, and waste management priority issues will be covered.
- 6.14 The Contractor shall strive to accomplish a goal of 325 industry visits for the 17 months of this contract with a minimum of three and one-half days a week dedicated to on-site visits. Follow-up service will be provided as needed. A BAWSS brochure will be provided to all companies in the region through on-site visits or by mailings.
- 6.15 The Contractor shall adequately publicize BAWSS and explain its services and provide information on its successes. The Contractor shall strive to give 16 BAWSS presentations during the project term, targeting business clubs and organizations, existing business committees, state and local workshops and conferences, trade shows and other appropriate audiences with relationships to business and industry.
- 6.16 The primary service area for the Contractor shall include Dallas, Jasper, Polk and Story counties.
- 6.17 The Contractor shall write four one-page case study success stories. Reports will be due on a timely basis as designated in the milestones section. (See Attachment C for content requirements.)
- 6.18 The Contractor shall attend the Iowa Recycling Association (IRA) annual conference and at least one other IRA meeting.
- 6.19 The new BAWSS representative shall schedule, within the first month, to have Gary Dill, Kim Werling Johnson, and Susan Salterberg participate in on-site visits with them for training purposes.
- 6.20 The BAWSS project manager, BAWSS representative and the Director of Resource Development shall participate in a three day training session to be held at a time to be designated in the spring of 1995.
- 6.21 The BAWSS representative will participate, as appropriate, in training offered by IMTC and EDG staff to learn basic information on the programs they offer to business and industry for referral purposes.
- 6.22 A follow-up letter or report outlining meeting conclusions and documenting resource opportunities for the company will be provided to the business no later than 10 working days after the contact.

Mr. Kuhn gave a detailed explanation of the contract.

Motion was made by William Ehm to approve the By-Product and Waste Search Service (BAWSS) contract with DMACC in the amount of \$62,400. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

SCOTT AREA SOLID WASTE MANAGEMENT COMMISSION REGIONAL COLLECTION CENTER GRANT CONTRACT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

In FY 1994, proposals were solicited throughout the state for hosts for Regional Collection Center (RCC) grants. A RCC is a secured site or facility at which collection, sorting as to type, and packaging of hazardous materials from urban and rural households and conditionally exempt small quantity generators (CESQG) are conducted prior to transportation of these wastes to the final disposal site.

After careful evaluation the Scott Area Solid Waste Management Commission submitted a proposal in conjunction with the Muscatine County Solid Waste Management Agency and was given preliminary approval for a RCC grant pending amendment of an existing solid waste permit.

The Scott Area Solid Waste Management Commission amended the solid waste permit to include their RCC in May 1995. Construction of their RCC will take place this fall. This center hopes to begin collecting household hazardous wastes in January 1996 and CESQG hazardous wastes in July 1996.

The Scott Area Solid Waste Management Commission has requested a grant of \$100,000 to assist in the establishment of their RCC. The region served by this center includes Scott and Muscatine Counties.

A draft of the Scope of Work, Milestones and Budget for the contractor (Scott Area Solid Waste Management Commission) is attached. Approval is requested for the director to enter into a contract with the Scott Area Solid Waste Management Commission.

ARTICLE V. SCOPE OF WORK

The contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

- 5.1 **Project description.** The Contractor will establish a structure or structures to serve as a Regional Collection Center (RCC) and its public education program within a region that serves as a minimum, Scott and Muscatine Counties.
- 5.2 **RCC operation.** The contractor will collect hazardous wastes from households as well as conditionally exempt small quantity generators (CESQG). Households shall not be directly charged for the disposal of their hazardous wastes. The RCC shall require payment from CESQGs who bring in an amount of hazardous waste greater than 10 pounds.
- 5.3 **RCC education program, households.** The RCC shall establish a public education program that will stress identification of household hazardous materials (HHM), source reduction, safer alternatives and the proper disposal of household hazardous wastes. All education activities shall be described in the monthly reports.
 - 5.3.1 The education program shall demonstrate a commitment to working with local schools also including community colleges and universities. A RCC shall provide schools with, at a minimum, resource materials to supplement current curriculum, staff time for presentations, tours of the RCC, etc.
 - 5.3.2 The education program shall demonstrate a commitment to working with local libraries. A RCC shall provide libraries with, at a minimum, resource materials, books, assistance for library information access, presentations, etc.
 - 5.3.3 The education program shall demonstrate a commitment to educating the regional population in general. One of the goals of the education program is to educate as large a percentage of the region's population as possible regarding the identification of, the proper management of and alternatives to the purchase of household hazardous materials. The program shall also provide a phone number which people may call for HHM management assistance.
 - 5.3.4 The education program shall promote retailer awareness of HHMs and the Department's Retailer's Consumer Education Program.
- 5.4 **RCC education program, Conditionally Exempt Small Quantity Generators (CESQG).** The contractor will establish an education program that will facilitate access to the appropriate technical information to assist CESQGs with source reduction, appropriate management, and disposal options for hazardous materials. All CESQG education activities shall be described in the monthly reports.
- 5.5 **Public awareness, publicity campaign.** The contractor shall initiate a communications program to inform targeted audiences about the RCC. The communications program will consist of, at a minimum, preparation and distribution of brochures to households and CESQGs at the time of project start-up and appropriate advertisements to be placed on radio, television and in area newspapers.
 - 5.5.1 **Public awareness, open house.** The Contractor shall conduct at least one open house event open to all interested parties, after the Project is operational, and will encourage media visits at other times. The Contractor shall notify the Department of the open house no later than thirty (30) days prior to the scheduled date of the open house. The Contractor shall promote the RCC and shall inform the public of the Project and Project

events through the use of newspapers and/or other media within the area serviced by the Project.

- 5.6 **Project monitoring.** The contractor shall document and monitor the source of wastes within the region including the pounds of wastes collected, estimated participation rates, and the level of revenues and expenditures associated with the Project. Monitoring results shall be reported in monthly and final reports to the Department as described in 5.9 and 5.11.
- 5.7 **Permitting.** The Contractor shall obtain a solid waste permit from the Environmental Protection Division of the Department (515-281-8941) before the Project begins.
- 5.8 **Purchases.** The Contractor agrees to make a concerted effort to award at least ten percent of all contracts which directly utilize grant funds in the purchase of supplies, equipment, construction and services to targeted businesses (minority owned businesses or women owned businesses). The Department shall release grant funds for reimbursement for eligible expenses, only after the Contractor documents in writing, a summary of efforts regarding the above mentioned targeted businesses and the Contractor receives approval from the Department. Documentation of the Contractor's efforts may take place prior to placing purchase orders for all eligible contract expenses or the Contractor may elect to submit the documentation prior to the placing of purchase orders for each additional item of equipment, supplies, construction or services.

The Contractor shall purchase any item specified in the plans costing over \$10,000 on a competitive basis if this purchase directly utilizes grant funds. The purchase of equipment will include a local cost share of the actual purchase price of the equipment as identified in Appendix A, Budget. Subject to the five-year reimbursement provision as set forth below, the title of the property purchased by the Contractor shall remain vested with the Contractor.

In the event that the Project fails or ceases operations within five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract and without prior Department approval, the Department shall be reimbursed an amount equal to the estimated current fair market value for all nonexpendable tangible personal property purchased solely with funds provided pursuant to this Contract unless the failure or cessation of the project is the result of circumstances beyond the control of the contractor despite the exercise of due diligence. In the event any nonexpendable tangible personal property item or items purchased or constructed, using grant funds, are sold and proceeds from that sale are used for other than acquisition of comparable replacement items for up to five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract, the Department shall be paid a percentage of the sale price equal to the percentage of grant money used in the original purchase or construction of the nonexpendable tangible personal property. For the purposes of this contract, nonexpendable tangible personal property, includes but is not limited to, vehicles, trailers, collection and processing equipment, building construction, building remodeling, and scales. For the purposes of this contract, comparable replacement items means items that maintain the intent of the Project.

- 5.9 **Monthly reports.** The Contractor shall submit monthly reports on the Project. The monthly reports are due by the 15th of every month. The monthly report shall discuss the status of the project and shall include a monthly update of the information required in the Final Report described in 5.11.

- 5.10 Pictorial history. The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up, and Contract completion. The pictorial history shall be of such quality necessary for conferences, trade journals, and other sources to disseminate the results of the project. Provide necessary supporting information for clarification of pictorial history subject matter. This pictorial history shall be submitted with the final report described in 5.11.
- 5.11 Final report. The Contractor shall submit a final report on the Project. The final report shall include an overview of Articles 5.1 through 5.10 with special attention given to the following items:
- 1) Information on the source of wastes within the Contractor's region including the pounds of wastes collected, collection schedule, and estimated participation rates associated with the Project. The impact of public education programs. A description of Project costs and revenues. Conclusions and recommendations regarding the Project.
 - 2) The environmental impact of the Project.
 - 3) Assessment of the viability of conducting this type of project in other regions within the State of Iowa.
 - 4) Details on all aspects of the Project during the term of the Contract, including an analysis of problems and successes encountered.
 - 5) Complete pictorial (slides) history of the Project. The pictorial history and supporting information must be of presentation quality.
 - 6) Copies of educational materials, fliers, newspaper and magazine articles, news releases, and other written, audio, and pictorial materials that educate or promote the project.

ARTICLE VI. MILESTONES

| <u>DATE</u> | <u>ACTIVITY</u> |
|--------------------|--|
| September 15, 1995 | Construction begins |
| September 1, 1995 | RCC education program begins |
| December 15, 1995 | Construction ends |
| January 1, 1996 | Collection of household hazardous waste begins |
| July 1, 1996 | Collection of CESQG hazardous waste begins |

| | |
|-----------------|--|
| January 1, 1996 | Begin data monitoring of collections |
| March 1996 | Open House Held |
| July 31, 1996 | End data monitoring of collections |
| October 1, 1996 | Final Report and Pictorial History due to the Department |

ATTACHMENT A PAYMENT AGENT AND BUDGET*

Payment made to:

Scott Area Solid Waste Management Commission
P. O. Box 563
Buffalo, IA 52728

| ITEM | TOTAL COST | DNR GRANT | LOCAL SHARE |
|-------------------------|------------|-----------|-------------|
| Mobile Unit (1/2 cost) | \$ 8,000 | \$ 8,000 | \$ 0 |
| Storage Unit | \$ 21,000 | \$ 21,000 | \$ 0 |
| Fork Lift | \$ 5,000 | \$ 0 | \$ 5,000 |
| Permanent Building | \$ 140,000 | \$ 71,000 | \$ 69,000 |
| Equipment | \$ 8,000 | \$ 0 | \$ 8,000 |
| Salaries | \$ 60,000 | \$ 0 | \$ 60,000 |
| Disposal | \$ 85,000 | \$ 0 | \$ 85,000 |
| Education | \$ 25,000 | \$ 0 | \$ 25,000 |
| Insurance | \$ 1,000 | \$ 0 | \$ 1,000 |
| Training | \$ 5,000 | \$ 0 | \$ 5,000 |
| Utilities | \$ 3,000 | \$ 0 | \$ 3,000 |
| Waste Exchange Building | \$ 29,400 | \$ 0 | \$ 29,400 |

* Budget includes materials and labor for construction, and the purchase cost of structures or mobile units, or both, to be used as a RCC, site modification, up to 50% of the education program, equipment and initial staffing costs (Iowa Administrative Code 567-211.5).

| | | | |
|-------------------|------------|------------|------------|
| Equipment Storage | \$ 13,000 | \$ 0 | \$ 13,000 |
| Total | \$ 403,400 | \$ 100,000 | \$ 303,400 |

Mr. Kuhn provided details of the contract with Scott and Muscatine counties.

Motion was made by Terrance Townsend to approve the Scott Area Solid Waste Management Commission Regional Collection Center Grant Contract in the amount of \$100,000. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF FY 97/98 BUDGET REQUEST

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Staff will present financial schedules and other information relative to the DNR's budget request for FY97 and FY98 at the Commission meeting. The EPC has the responsibility of approving the DNR's budget request as it relates to Environmental Protection, Waste Management Assistance, Energy & Geology, Administrative Services and related matters. At their September meeting, the NRC approved the budget as it relates to Fish and Wildlife, Parks, Forestry, Administrative Services, and Capital acquisition and development. By law, the DNR's budget request is due at DOM by October 1, 1995.

A general outline of the probable budget request and related budget issues was presented to each commission as an information at the August commission meetings.

Operations: The current operational budgets for general funded divisions (Parks, Forestry, EPD, Administrative Services and Energy/Geology) will be reduced by approximately 1% compared to the FY96 level. The budget for Fish and Wildlife operations will be similar to the FY96 budget, except that additional conservation officer positions will be requested as funded by non-resident deer and turkey license revenue.

Special needs in environmental protection will be addressed by requesting additional funds and staff for feedlot regulation, safe drinking water and State matching funds for the Air Quality program.

The staff is recommending that the Groundwater Program continue at current levels and funding.

Capitals: The DNR is recommending an appropriation of \$10 million which is consistent with the recommendation made by the REAP Congress. This is \$2.0 million more than the FY96 appropriation. Staff is recommending that the Marine Fuel Tax program for boating and lake

restoration be increased from \$1.6 million to \$2.1 million. There are sufficient Marine Fuel Tax receipts to support this increase. The primary need for the requested increase is to compensate for the loss of Federal Clean Lakes support for lake restoration projects. These changes are incorporated in the DNR's five-year capital plan update, which has been approved by the NRC.

Related financial schedules will be provided to commissioners when available, and the up-dated five year plan will be made available shortly and presented at the meeting. Staff will be recommending approval of the FY97/8 budget as outlined above and in the financial schedules.

(A copy of the FY 1997 and FY 1998 Budget Request Summary and Financial Schedules are on file in the department's Records Center)

Mr. Kuhn thoroughly reviewed the budget. He noted that staff must present the budget to the Department of Management by October 1, and he is asking the Commission's approval for the Environmental Protection, Waste Management, and Groundwater portions of the budget. Mr. Kuhn related that the summary lists the actions that would be necessary by the general assembly to implement the budget. He noted that all but the last four decision packages restore the agency to the current level of operations, adding that the last four packages are special need items.

Brief discussion followed.

Motion was made by Kathryn Murphy to approve the FY 97/98 Budget Request as presented. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

Harold Trask (hog confinement rules)

Harold Trask, Iowa Pork Producers, distributed copies of a proposed Emergency Rule for Animal Feeding Operations Manure Management Plans. He related that members of the Animal Agriculture Consulting Organization (ACCO) have been working on rules to be presented to the Commission in October. He reviewed HF 519 and its passage and noted that the permit threshold for formed storage tanks with pit underslat was 2,000 animal units or 5,000 head of swine. The concern the ACCO committee had was whether to leave the rule with those limits or to change it, and the consensus was to leave it as is. Mr. Trask stated that DNR has been slow in issuing permits under the rules which are very complicated, and which require permit holders to develop a manure management plan. He added that it has been an education on the part of DNR staff and the livestock producers. He related that some mega-operations were in a bind because they had their sow operations and nursery operations on the ground and were not able to get permits for the hog finishing facilities. Those operations then looked at using the pit underslat

confinement buildings with the 5,000 head permit threshold and began to develop four, 4,900 head operations on a 160 acre tract of land, which was within the law. He noted the Iowa Pork Producers and the Farm Bureau, along with help from Senator Berl Priebe, came up with a solution to address that loophole in the law. Subsequently, proposed rule changes were brought to the ACCO committee last week and they unanimously approved taking it to the EPC today. He related that on Thursday he received word that these rules would not come before the Commission. He stressed that he felt this was such an important issue that he signed the document and sent it to the Commission members on Friday afternoon for overnight delivery. Mr. Trask explained the proposed Emergency Rules in detail. He pointed out that the rules allude to new construction only. Also, cattle are exempted in these rules, as well as poultry houses, except those using liquid manure systems. Mr. Trask pointed out that these rules deal with the storage structures that do not need a permit. These facilities will need a manure management plan and must to have enough acres on which to spread the manure.

Mr. Trask stated that he would like the Commission to act on these rules today and reiterated that they were unanimously approved by the ACCO committee last Wednesday. He noted that DNR thought the timeline would be too stringent to act on the rules today.

Gary Priebe stated that he has always been a devout opponent of emergency rules but he feels this is something that needs to be addressed.

Director Wilson stated that the Commission has not only been devout opponents of emergency rules but have also expected the staff to conform to the practice of having items out to the Commission two weeks in advance, and staff have always tried to respect those wishes. He noted that he had not seen the draft rules prior to this meeting.

Allan Stokes stated that he also has not seen a copy of the rules. He related that staff who have been working with the ACCO group were aware of the conceptual design outlined by Mr. Trask but were expecting to receive a Petition a for Rulemaking.

Director Wilson stated that the proposed emergency rules are not on the agenda and commission items must have 24 hour media notice in order to be acted on. He related that the Commission could wait until their regular October meeting or could possibly have an electronic meeting by the end of the week.

Mr. Trask stated that Don Paulin had a FAX'd copy and a hard disk containing the proposed rules in his office last Thursday evening, and a hard copy was on his desk Friday morning.

Discussion followed and staff indicated that a few days are needed for the Director and staff to review the proposed rules. Also discussed was the enforcement portion of the rules.

Senator Berl Priebe stated that he thinks this is so important that it should be handled immediately. He indicated that there are people who are in the process of building these facilities in areas within two feet of a water table, and also where there are sand points in the area of these buildings. He related that these facilities are being built to circumvent the law and

the rules should be adopted and made effective as of May 31, the date the Governor signed it into law. He noted that it is important to make the rules retroactive to that date.

Discussion followed in regard to making the rules retroactive; the facilities that would be covered by the rules; filing as emergency and going back out to notice later on; and doing a teleconference call.

Gary Priebe reiterated that he has problems with emergency rules but feels the Commission and staff should have the materials, at the very least, 24 hours in advance. He indicated that he would be in favor of holding an electronic meeting on Friday morning to adopt the rules retroactively.

William Ehm echoed Commissioner Priebe's comments stressing that he would be in favor of the electronic meeting.

Director Wilson stated that he will arrange for an electronic meeting for Friday, September 22, at 8:00 a.m.

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| SET ELECTRONIC MEETING TO ACT ON RULES |
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Gloria Gall (hog confinement rules)

Gloria Gall, Hancock County, addressed the Commission expressing concern with the hog confinements being built on 160 acres near her property. She stated that she supports the emergency rule because if it does not go through Jack DeCoster can put nine buildings on 160 acres, each housing under 5,000 pigs. She related that these buildings would be only 750 feet apart and the facility would not require a manure management plan or a permit. She urged the Commission to close the loophole before other large confinements do the same thing.

Dave Murphy (hog confinements/Eurasian Watermilfoil)

Dave Murphy, President, Iowa Great Lakes Inter-Lake Protective Association, read the following written statement and distributed copies to the Commission:

"The Iowa Great Lakes Inter-Lake Protective Association is an alliance of the individual protective associations representing the residents around the Iowa Great Lakes. Considering the number of property owners and residents living on or near the lakes, we represent a very significant portion of the population of Dickinson County.

We applaud you in your efforts to protect the environment of our county. We want to express our concern about the adverse environmental effects resulting from inadequate restrictions on hog confinement facilities and associated manure management. We also ask you to assist in the research and prevention of Eurasian Watermilfoil.

At our recent meeting we discussed hog confinement operations along with news about such operations in other parts of Iowa, North Carolina and proposed operations in Minnesota within the great lakes watershed. It has become very apparent that adequate research has not been achieved which will prevent leakage from lagoons constructed with the present technology used. This has resulted in serious damage to the environment, polluting streams and rivers as well as polluting water resources used by humans.

We most sincerely ask that you consider the following recommendations of our Association:

- Implement a moratorium for construction of hog confinement operations in the Iowa Great Lakes watershed until the study of the lakes watershed is completed by the Corps of Engineers.
- Evaluate areas in the county to determine where livestock feed lots could be allowed and where they should be restricted or prohibited due to potential danger of runoff from feedlot lagoons or from spreading of the manure.
- When relating size of hog confinement operations to regulations, make the aggregate of building facilities in one location to be considered as one single operation.

It is our belief that ANY hog confinement operation located within the Iowa Great Lakes watershed, constructed under current technical specifications, has the grave potential of causing very damaging pollution. The risk to all the residents of the county and the thousands of visitors to the area is too great to allow construction of such facilities considering what the experience has been with others and the lack of knowledge within the industry. No one can guarantee that there will not be a disastrous accident nor even that there will not be gradual pollution. The value of one of Iowa's greatest assets is too great to allow any potential risk. We ask that you along with other pertinent divisions of the DNR seriously consider our recommendations.

Eurasian watermilfoil is the other most serious threat to the Iowa Great Lakes and is one of the most serious concerns of all who live in the area. We have contacted top officials of the DNR to encourage legislation focusing on prevention of the weed and they have responded by telling us they are not interested in initiating legislation because it is a local problem and that other lakes in Iowa are not seriously threatened. They also indicated they would not oppose legislation designed to prevent watermilfoil.

We request that this commission authorize further study of the potential environment effects of Eurasian Watermilfoil. Minnesota, which has serious problems with milfoil in several lakes, has passed legislation designed to prevent the spread of the weed and has a wealth of knowledge which could benefit our state, especially the Iowa Great Lakes.

The individual lake protective associations will be taking action by organizing volunteers to monitor the lakes on a regular basis to spot milfoil to enable eradication at its earliest stage of growth. We ask that the Iowa Department of Natural Resources prepare itself by having materials for localized eradication ready for use. It will be too late if mobilization doesn't start till after the milfoil is spotted. Thank you."

Jeff Schuler (hog confinements/clean water)

Jeff Schuler, Cylinder, stated that he is representing his community who is concerned with drinking water quality being affected by large hog confinements being built in the area. He discussed the nine large buildings being built by Iowa Select Farms north of town. He related that the north building already has a giant crack in one wall of the pit. Mr. Schuler noted that the buildings are being built on some of the poorest soil in Iowa. He related that the residents are concerned that it is threatening their right to clean water and asked that the Commission to do something about it.

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE CONTRACTS APPROVAL

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

From the round of thirty-eight (38) applications submitted the first Monday in June 1995, twelve (12) applications were selected for funding. The total award for selected projects is \$1,296,366.

Of the selected projects, seven (7) applicants were awarded grants, three (3) of which are in excess of \$25,000, four (4) applicants were awarded zero interest loans, three (3) of which are in excess of \$25,000 and one (1) applicant was awarded a grant for a portion of their project and a zero interest loan for the balance of the award.

At this time, all seven (7) contracts in excess of \$25,000 are presented to the Commission for approval.

Metro Waste Authority

\$ 488,235

Grant

ARTICLE V. SCOPE OF WORK

5.1 **Project description.** The Contractor will implement and operate an expanded food waste composting operation over a two year period by directly diverting relatively homogeneous loads of food waste to the existing yard waste compost facility. These materials will be blended for co-composting. Clean wood waste and minimal amounts of non-recyclable paper products will also be diverted and used as a bulking material. Composting operations will be conducted in a low cost enclosure as a means of providing odor control.

5.2 **Materials.** Materials to be diverted from a sanitary landfill by the Contractor resulting from the Project includes, at a minimum: food wastes, non-recyclable paper and wood waste.

A written listing of materials shall be provided to the Department. This listing shall describe the method of delivery, handling and amount of each material to the project site. Any changes in materials received, method of handling, or amounts shall be reported in monthly reports and the final report as described in Article V, Sections 5.4, 5.7, 5.9 and Article VII, Sections 7.1 and 7.3.

5.3 **Public awareness, news media.** The Contractor shall conduct at least one multi-media notified open house event open to all interested parties, after the Project is operational, and will encourage media visits at other times. The Contractor shall notify the Department of the open house no later than thirty (30) days prior the scheduled date of the open house. The Contractor shall inform the public of the Project, the project site and project events through the use of newspapers, newsletters and/or other media within the area served by the Project.

Public awareness, education. The Contractor shall develop an education program targeting material suppliers, haulers and the general public located within the described Project Area. The Contractor shall also make a concerted effort to host at least one public meeting, publicized and open to the public, or speak at a conference, workshop, or similar event to discuss the Project. Brochures to accompany the public awareness, education and Project promotion activities shall be made available throughout the Project Area and shall be provided to the Department as part of the reporting requirements identified in Article V, Sections 5.4, 5.7 and 5.9 and Article VII, Sections 7.1, and 7.3.

5.4 **Project monitoring.** The Contractor shall document and monitor, at a minimum, items identified in Article V, Sections 5.2, 5.3, 5.5, 5.6, 5.8, and 5.9. Provide a detailed description of operations from the handling of incoming computable materials through composting operations to the handling and use of finished compost, track the amount of incoming compostable materials and finished compost by month and season, report the use of finished compost, identify steps necessary to make the finished compost available to the general public or marketed, report all tests conducted on material inputs and finished compost, report results of those tests and any implications compost composition may have on its potential uses. A detailed description of all Project costs including administration and processing costs shall be reported. Monitoring results shall be reported in monthly and final reports to the Department as described in Article V, Sections 5.7 and 5.9 and Article VII, Sections 7.1 and 7.3.

5.5 **Permitting.** The Contractor shall contact the Environmental Protection Division of the Department (515-281-8941) to determine if a permit or permit amendment is necessary from the Department. If a permit or permit amendment is required, the Contractor shall prepare detailed plans for the Project. The Contractor will submit plans and specifications for the Project to the Environmental Protection Division of the Department and shall receive approval from the Department before operation of the Project begins. If the Department determines a permit or permit amendment is not necessary, written confirmation from the Department must be provided.

5.6 **Purchases.** The Contractor agrees to make a concerted effort to contract at least ten percent of all purchases which directly utilize grant funds in the purchase of supplies, equipment, construction and services with targeted businesses, minority owned businesses or women owned businesses. The Department shall release grant funds for reimbursement for eligible expenses, only after the Contractor documents in writing, a summary of efforts and the Contractor receives approval from the Department. Documentation of the Contractor's efforts may take place prior to placing purchase orders for all eligible contract expenses or the Contractor may elect to submit the documentation prior to the placing of purchase orders for each additional equipment, supplies, construction and services.

The Contractor shall purchase eligible items costing over \$10,000 on a competitive basis if this purchase directly utilizes grant funds. The Contractor shall keep on file at the project site all bid documents, price quotes and other materials documenting the competitive bid process was adhered to until the expiration of the Term of Contract as identified on the title page of the Contract. These bid documents, price quotes and other materials documenting the competitive bid process shall be made available upon request for review by the Department or its advisors.

The purchase of nonexpendable tangible personal property will include a local cost share of the actual purchase price of the nonexpendable tangible personal property expenses as identified in Appendix A, Budget. Subject to the five-year reimbursement provision as set forth below, the title of the property purchased by the Contractor shall remain vested with the Contractor.

In the event that the Project fails or ceases operations as originally proposed for up to five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract and without prior Department approval, the Department shall be reimbursed an amount equal to the estimated current fair market value for all nonexpendable tangible personal property used in the performance of this Contract. In the event any nonexpendable tangible personal property item or items purchased or constructed, in which grant funds were used, are sold and proceeds from that sale are used for other than acquisition of comparable replacement items for up to five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract, the Department shall be paid a percentage of the sale price equal to the percentage of grant money used in the original purchase or construction of the nonexpendable tangible personal property. For the purposes of this contract, nonexpendable tangible personal property, includes but is not limited to, vehicles, trailers, collection and processing equipment, building construction, building remodeling, and scales. For the purposes of this contract, comparable replacement items means items that maintain the intent of the Project.

5.7 Monthly reports. The Contractor shall submit monthly reports on the Project. The monthly reports are due by the 15th of every month and shall commence with the beginning date of Time of Performance as identified on the title page of this Contract. Monthly reports shall discuss the status of the project for the preceding calendar month and shall include a monthly update of the information required Article V, Sections 5.1 through 5.6 of this Contract.

5.8 Pictorial history. The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up, and Contract completion. Provide necessary supporting information, a narrative, for clarification of pictorial history subject matter. The pictorial history shall be of such quality necessary for presentations at conferences, reproduction in trade journals, and other sources to disseminate the results of the Project. Provide necessary supporting information for clarification of pictorial history subject matter. One copy of this pictorial history and supporting narrative shall be submitted with the final report described in Article V, Section 5.9 and Article VI, Milestones.

5.9 Final report. The Contractor shall submit a final report on the Project. The final report shall be submitted by the date identified on the title page of the Contract and in Article VI, Milestones. The final report shall include an overview of Article V, Sections 5.1 through 5.8 with special attention given to the following items:

- 1) Provide a detailed description of operations from the handling of incoming compostable materials through composting operations to the handling and use of finished compost, track the amount of incoming compostable materials and finished compost by month and season, report the use of finished compost, identify steps necessary to make the finished compost available to the general public or marketed, report all tests conducted on material inputs and finished compost, report results of those tests and any implications compost composition may have on its potential uses. The impact of public awareness and education programs. A detailed description of all Project costs including administration and processing costs. Conclusions and recommendations regarding the Project.

- 2) The environmental impact of the Project in terms of landfill diversion and finished compost use.

- 3) Assessment of the viability of conducting this type of project in other facilities, communities, counties and regions within the State of Iowa.
- 4) Details on all aspects of the Project during the term of the Contract, including an analysis of problems and successes encountered.
- 5) Complete pictorial (slides) history and supporting narrative of the Project. The pictorial history must be of presentation quality.
- 6) Copies of all educational materials, brochures, newspaper and magazine articles, press releases, public service announcements and other written, audio, and pictorial materials that educate or promote the Project.
- 7) The Contractor shall prepare and submit, at the time of the final report, a guidance document whose use shall be targeted to other communities, counties or regions interested in implementing a similar project to assist them in such project implementation.

APPENDIX A

BUDGET

| ITEM | DNR GRANT | COST SHARE | TOTAL COST |
|-------------------------|------------|------------|------------|
| Equipment | \$ 21,037 | \$ 2,338 | \$ 23,375 |
| Composting House | 459,038 | 51,007 | 510,045 |
| Electrical Installation | 8,160 | 2,040 | 10,200 |
| Existing Equipment | 0 | 406,362 | 406,362 |
| | | | |
| TOTALS | \$ 488,235 | \$ 461,747 | \$ 949,982 |

Equipment to be purchased:
portable blower units (10)
hose (250 ft.)

Execution of this Contract is certification that existing in-kind local match, as represented in the Budget, Appendix A, is true, correct, and accurate. If found that in-kind local match is being

falsely represented it may result in termination of this Contract, withholding of any or all unspent grant funds, and withholding of any or all retainage funds.

Ames Technologies, Inc.

\$ 195,000

Grant

ARTICLE V. SCOPE OF WORK

5.1 **Project description.** The Contractor will manufacture and test an alternative railroad tie (Eco-Tie) composed principally of shredded tires, fly ash and sulfur for the purpose of replacing wood and concrete railroad ties.

5.2 **Materials and Markets.** Materials to be diverted from a sanitary landfill by the Contractor resulting from the Project includes, at a minimum: scrap tires, fly ash and sulfur.

A written listing of raw material suppliers shall be provided to the Department. This listing shall describe the method and cost of processing, method of delivery and market price received for each material. Any changes in materials collected or received, materials processing, markets and marketing strategies shall be reported in monthly reports and the final report as described in Article V, Sections 5.4, 5.7 and 5.9 and Article VII, Sections 7.1 and 7.3.

5.3 **Public awareness, news media.** The Contractor shall conduct at least one multi-media notified open house event open to all interested parties, after the Project is operational, and will encourage media visits at other times. The Contractor shall notify the Department of the open house no later than thirty (30) days prior the scheduled date of the open house. The Contractor shall inform the public of the Project, the project site and project events through the use of newspapers, newsletters and/or other media within the area served by the Project.

Public awareness, education. The Contractor shall develop a comprehensive education program targeting the railroad industry and the general public located within the described Project Area. The Contractor shall also make a concerted effort to host at least one public meeting, publicized and open to the public, or speak at a conference, workshop, or similar event to discuss the Project. Brochures to accompany the public awareness, education and Project promotion activities shall be made available throughout the Project Area and shall be provided to the Department as part of the reporting requirements identified in Article V, Sections 5.4, 5.7 and 5.9 and Article VII, Sections 7.1, and 7.3.

5.4 **Project monitoring.** The Contractor shall document and monitor, at a minimum, items identified in Article V, Sections 5.2, 5.3, 5.5, 5.6, 5.8, and 5.9. Specific items to be monitored and reported include: a) the source and amount of each material used; b) an approximate amount of each material used on a per tie basis; c) detailed description of the mobile unit and its operation in heating, mixing, cooling and pouring the railroad tie mix; d) detailed description of tests conducted and the outcome of those tests; e) administrative and manufacturing costs in total and on a per tie basis; and f) status of negotiations with the railroad industry. Monitoring results shall be reported in monthly and final reports to the Department as described in Article V, Sections 5.7 and 5.9 and Article VII, Sections 7.1 and 7.3.

5.5 **Permitting.** The Contractor shall contact the Environmental Protection Division of the Department (515-281-8941) to determine if a permit or permit amendment is necessary from the Department. If a permit or permit amendment is required, the Contractor shall prepare detailed

plans for the Project. The Contractor will submit plans and specifications for the Project to the Environmental Protection Division of the Department and shall receive approval from the Department before operation of the Project begins. If the Department determines that a permit or permit amendment is not necessary, written confirmation from the Department must be provided.

5.6 Purchases. The Contractor agrees to make a concerted effort to contract at least ten percent of all purchases which directly utilize grant funds in the purchase of supplies, equipment, construction and services with targeted businesses, minority owned businesses or women owned businesses. The Department shall release grant funds for reimbursement for eligible expenses, only after the Contractor documents in writing, a summary of efforts and the Contractor receives approval from the Department. Documentation of the Contractor's efforts may take place prior to placing purchase orders for all eligible contract expenses or the Contractor may elect to submit the documentation prior to the placing of purchase orders for each additional equipment, supplies, construction and services.

The Contractor shall purchase eligible items costing over \$10,000 on a competitive basis if this purchase directly utilizes grant funds. The Contractor shall keep on file at the project site all bid documents, price quotes and other materials documenting the competitive bid process was adhered to until the expiration of the Term of Contract as identified on the title page of the Contract. These bid documents, price quotes and other materials documenting the competitive bid process shall be made available upon request for review by the Department or its advisors. The purchase of nonexpendable tangible personal property will include a local cost share of the actual purchase price of the nonexpendable tangible personal property expenses as identified in Appendix A, Budget. Subject to the five-year reimbursement provision as set forth below, the title of the property purchased by the Contractor shall remain vested with the Contractor.

In the event that the Project fails or ceases operations as originally proposed for up to five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract and without prior Department approval, the Department shall be reimbursed an amount equal to the estimated current fair market value for all nonexpendable tangible personal property used in the performance of this Contract. In the event any nonexpendable tangible personal property item or items purchased or constructed, in which grant funds were used, are sold and proceeds from that sale are used for other than acquisition of comparable replacement items for up to five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract, the Department shall be paid a percentage of the sale price equal to the percentage of grant money used in the original purchase or construction of the nonexpendable tangible personal property. For the purposes of this contract, nonexpendable tangible personal property, includes but is not limited to, vehicles, trailers, collection and processing equipment, building construction, building remodeling, and scales. For the purposes of this contract, comparable replacement items means items that maintain the intent of the Project.

5.7 Monthly reports. The Contractor shall submit monthly reports on the Project. The monthly reports are due by the 15th of every month and shall commence with the beginning date of Time of Performance as identified on the title page of this Contract. Monthly reports shall discuss the status of the project for the preceding calendar month and shall include a monthly update of the information required Article V, Sections 5.1 through 5.6.

5.8 Pictorial history. The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up, and Contract completion. Provide necessary supporting information, a narrative, for clarification of pictorial history subject matter. The pictorial history shall be of such quality necessary for presentations at conferences, reproduction in trade journals, and other sources to disseminate the results of the Project. Provide necessary supporting information for clarification

of pictorial history subject matter. One copy of this pictorial history and supporting narrative shall be submitted with the final report described in Article V, Section 5.9 and Article VI, Milestones.

5.9 Final report. The Contractor shall submit a final report on the Project. The final report shall be submitted by the date identified on the title page of the Contract and in Article VI, Milestones. The final report shall include an overview of Article V, Sections 5.1 through 5.8 with special attention given to the following items:

- 1) Information on: a) the source and amount of each material used; b) an approximate amount of each material used on a per tie basis; c) detailed description of the mobile unit and its operation in heating, mixing, cooling and pouring the railroad tie mix; d) detailed description of tests conducted and the outcome of those tests; e) administrative and manufacturing costs in total and on a per tie basis; f) status of negotiations with the railroad industry; and g) estimated selling price(s) of the Eco-Tie. The impact of public awareness and education programs. A detailed description of all Project costs, expenses and revenues. Conclusions and recommendations regarding the Project.
- 2) The environmental impact of the Project in terms of solid waste diverted from the landfill and the Eco-Tie's ability to displace the use of wood and concrete railroad ties..
- 3) Assessment of the viability of conducting this type of project in other facilities, communities, counties and regions within the State of Iowa.
- 4) Details on all aspects of the Project during the term of the Contract, including an analysis of problems and successes encountered.
- 5) Complete pictorial (slides) history and supporting narrative of the Project. The pictorial history must be of presentation quality.
- 6) Copies of all educational materials, brochures, newspaper and magazine articles, press releases, public service announcements and other written, audio, and pictorial materials that educate or promote the Project.

APPENDIX A

BUDGET

| ITEM | DNR GRANT | COST SHARE | TOTAL COST |
|------------------------------------|-----------|------------|------------|
| Design/Fabrication of Eco-Mix Unit | \$ 91,000 | \$ 13,000 | \$ 104,000 |
| Testing and Evaluation | 20,000 | 0 | 20,000 |
| Travel | 4,000 | 0 | 4,000 |

| | | | |
|-----------------------|------------|------------|------------|
| Wages | 45,000 | 0 | 45,000 |
| Consulting Engineers | 2,000 | 10,000 | 12,000 |
| Materials | 15,000 | 5,000 | 20,000 |
| Laboratory Fees/Space | 18,000 | 0 | 18,000 |
| Existing Equipment | 0 | 100,000 | 100,000 |
| | | | |
| TOTALS | \$ 195,000 | \$ 128,000 | \$ 323,000 |

Execution of this Contract is certification that existing in-kind local match, as represented in the Budget, Appendix A, is true, correct, and accurate. If found that in-kind local match is being falsely represented it may result in termination of this Contract, withholding of any or all unspent grant funds, and withholding of any or all retainage funds.

Carroll County Solid Waste Management Commission

\$ 29,250

Loan

ARTICLE V. SCOPE OF WORK

5.1 **Project Description.** The Contractor will replace two existing plastic granulators with one prototype granulator capable of processing both natural and colored HDPE simultaneously through a punching process.

5.2 **Materials and Markets.** Materials to be diverted from a sanitary landfill resulting from the Project include: colored and natural HDPE.

A written listing of markets shall be provided to the Department. This listing shall describe the method and cost of processing each material; method of delivery of each material to market; and market price received for each material. Any changes in materials collected, received, materials processing, markets and marketing strategies shall be reported in the monthly and quarterly reports and the interim report as described in Article V, Sections 5.4, 5.7, 5.9 and Article VII, Sections 7.1 and 7.2.

5.3 **Public Awareness and News Media.** The Contractor shall conduct at least one multi-media notified open house event open to all interested parties, after the Project is operational, and will encourage media visits at other times. The Contractor shall notify the Department of the open house no later than thirty (30) days prior to the scheduled date. The Contractor shall inform the public of the Project and promote the project site

and project events through the use of newspapers, newsletters, and/or other media within the area served by the Project.

Public Awareness and Education. The Contractor shall make a concerted effort to speak at a conference, workshop, or similar event, to discuss the Project and disseminate information pertaining to the prototype equipment and its use. Information that is developed promoting the Project shall be made available throughout the Project Area and provided to the Department as part of the reporting requirements identified in Article V, Sections 5.7 and 5.9 and Article VII, Sections 7.1 and 7.2.

5.4 Project Monitoring. The Contractor shall document and monitor, at a minimum, items identified in Article V, Sections 5.2, 5.3, 5.5, 5.6, 5.8, and 5.9. Specific items to be monitored and reported include: a) a detailed description of the processing equipment; b) a detailed description of the benefits and problems associated with the use of the prototype equipment; c) amount of HDPE processed with the prototype equipment, d) market reaction and price received for materials processed using the prototype equipment, e) costs and cost saving associated with using the prototype equipment compared to more typical plastics granulators; and f) changes in the working environment using the prototype equipment. Monitoring results shall be reported to the Department in the monthly, quarterly and interim reports described in Article V, Sections 5.7 and 5.9 and Article VII, Sections 7.1 and 7.2.

5.5 Permitting. The Contractor shall contact the Environmental Protection Division of the Department (515-281-8941) to determine if a permit or permit amendment is necessary from the Department. If a permit or permit amendment is required, the Contractor shall prepare detailed plans for the Project. The Contractor will submit plans and specifications for the Project to the Environmental Protection Division of the Department and shall receive approval from the Department before operation of the Project begins. If the Department determines that a permit or permit amendment is not necessary, a written confirmation from the Department must be provided.

5.6 Purchases. The Contractor agrees to make a concerted effort to contract at least ten percent of all purchases which directly utilize loan funds in the purchase of supplies, equipment, construction and services with targeted businesses, minority owned businesses or women owned businesses. The Department shall release loan funds for reimbursement for eligible expenses, only after the Contractor documents in writing, a summary of efforts and the Contractor receives approval from the Department. Documentation of the Contractor's efforts may take place prior to placing purchase orders for all eligible contract expenses or the Contractor may elect to submit the documentation prior to the placing of purchase orders for each additional equipment, supplies, construction and services.

The Contractor shall purchase eligible items costing over \$10,000 on a competitive basis if this purchase directly utilizes loan funds. The Contractor shall keep on file at the project site all bid documents, price quotes and other materials documenting the competitive bid process was adhered to until the expiration of the Term of Contract as identified on the title page of the Contract. These bid documents, price quotes and other materials documenting the competitive bid process shall be made available upon request for review by the Department or its advisors. The purchase of nonexpendable tangible personal property will include a local cost share of the actual purchase price of the nonexpendable tangible personal property expenses as identified in Appendix A, Budget. Subject to terms of the loan as set forth below and in Appendix B, the title of the property purchased by the Contractor shall remain vested with the Contractor.

The Contractor shall notify, in writing, and receive Department approval prior to the sale of any nonexpendable tangible personal property item or items purchased or constructed in which loan funds were used. For the purposes of this contract, nonexpendable tangible personal

property, includes but is not limited to, vehicles, trailers, collection and processing equipment, building construction, building remodeling, and scales.

In the event that the Project fails or ceases operations as originally proposed during the Term of Contract as identified on the title page of this Contract and without prior Department approval, may result in the withholding of any or all unspent loan funds and may be cause for the Department to terminate the Contract and declare the entire unpaid balance and costs of collection immediately due and payable.

5.7 Monthly and Quarterly Reports. The Contractor shall submit monthly reports on the Project. Monthly reports are due by the 15th of every month and shall commence with the beginning date and terminate with the ending date of Time of Performance as identified on the title page of this Contract. In place of monthly reports, quarterly reports will be due during the period of time in which loan repayments are being made and will terminate with the last loan repayment submitted to the Department. Prepayment of loan funds will not will not alleviate the Contractor of complying with conditions of this Contract, including reporting requirements without prior approval of the Department.

Monthly and quarterly reports shall discuss the status of the Project and shall include an update of all information required in Article V, Sections 5.1 through 5.6 and 5.9.

5.8 Pictorial History. The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up, and Contract completion. Provide necessary supporting information, a narrative, for clarification of pictorial history subject matter. The pictorial history shall be of such quality necessary for presentations at conferences, reproduction in trade journals, and other sources to disseminate the results of the Project. One copy of this pictorial history and supporting narrative shall be submitted with the interim report described in Article V, Section 5.9 and Article VI, Milestones.

5.9 Interim Report. The Contractor shall submit a interim report on the Project. The interim report shall be submitted by the date identified on the title page of this Contract and Article VI, Milestones. The interim report shall include an overview of Article V, Sections 5.1 through 5.8 with special attention given to the following items:

- 1) Information on: a) a detailed description of the processing equipment; b) a detailed description of the benefits and problems associated with the use of the prototype equipment; c) amount of HDPE processed with the prototype equipment, d) market reaction and price received for materials processed using the prototype equipment, e) costs and cost saving associated with using the prototype equipment compared to more typical plastics granulators; f) changes in the working environment using the prototype equipment; and g) a detailed discussion of maintenance activities as compared to conventional plastic granulators. The impact of public awareness and promotion programs. A detailed and documented description of all Project costs, expenses and revenues. Conclusions and recommendations regarding the Project shall be provided.

- 2) The environmental impact of the Project in terms of the amount of HDPE processed by the prototype equipment and changes in noise and dust levels associated with plastic granulators

- 3) Assessment of the viability of conducting this type of project in other facilities, communities, counties and regions within the State of Iowa.

- 4) Details on all aspects of the Project during the Time of Performance, including an analysis of problems and successes encountered.
- 5) Complete pictorial (slides) history and supporting narrative of the Project. The pictorial history must be of presentation quality.
- 6) Copies of all educational materials, brochures, newspaper and magazine articles, press releases, public service announcements and other written, audio, and pictorial materials that educate or promote the project.

APPENDIX A

| ITEM | DNR AWARD | COST SHARE | TOTAL COST |
|-----------|-----------|------------|------------|
| Equipment | \$ 29,250 | \$ 15,750 | \$ 45,000 |
| | | | |
| TOTALS | \$ 29,250 | \$ 15,750 | \$ 45,000 |

Equipment to be purchased:
 Prototype Punch and Die Granulator

Skumatz Economic Research Associates, Inc.
and Fremont County Waste Systems

\$126,000
 \$42,000

Grant
 Loan

ARTICLE V. SCOPE OF WORK

5.1 **Project Description.** The Contractor will implement a weight-based pilot program for the collection of solid waste and implement a drop-off recycling program for residents impacted by the Project.

5.2 **Markets and Materials.** Materials to be diverted from a sanitary landfill resulting from the Project include: materials typically found in the residential waste stream. Landfill diversion is expected to be the result of decreased generation and increased recycling.

A written listing of markets for recyclables collected through the drop-off program shall be reported to the Department on forms provided in Appendix B of this Contract. Landfill diversion impacts shall be reported in the monthly and quarterly reports and the interim report as described in Article V, Sections 5.4, 5.7, 5.9 and Article VII, Sections 7.1 and 7.3.

5.3 **Public Awareness and News Media.** The Contractor shall conduct at least one multi-media notified open house event open to all interested parties, after the Project is operational, and will encourage media visits at other times. The Contractor shall notify

the Department of the open house no later than thirty (30) days prior to the scheduled date. The Contractor shall inform the public of the Project and promote the project site and project events through the use of newspapers, newsletters, and/or other media within the area served by the Project.

Public Awareness and Education. The Contractor shall develop an education program prior to project implementation targeting residential customers of Fremont County Waste Systems of project operations including information relative to the recyclables drop-off program and shall develop and make available general project information to other communities in Iowa through press releases and newspaper and newsletter articles. The Contractor shall also make a concerted effort to host at least one public meeting, publicized and open to the public, or speak at a conference, workshop, or similar event, to discuss the Project. Brochures that are developed promoting the Project shall be made available throughout the Project Area and provided to the Department as part of the reporting requirements identified in Article V, Sections 5.7 and 5.9 and Article VII, Sections 7.1 and 7.3.

5.4 Project Monitoring. The Contractor shall document and monitor, at a minimum, items identified in Article V, Sections 5.2, 5.3, 5.5, 5.6, 5.8, and 5.9. Specific items to be monitored and reported include: set out survey results, methods and calculations used in determining new weight-based collection rates, survey results of customer attitudes, changes in customer waste management and recycling behavior, evaluate performance of collection equipment, impact on per stop and overall collection times, amount of recyclables collected during the project including the amount of contaminants received and steps taken to reduce the amount of contaminants received through the recycling drop-off program; and landfill diversion impact resulting from the Project. The Contractor shall also monitor and report the locations of recycling drop-boxes, the frequency these boxes are serviced and where collected recyclables are taken for processing. Applicable items identified in Appendix B shall be monitored and reported. Monitoring results shall be reported to the Department in monthly, quarterly and interim reports described in Article V, Sections 5.7 and 5.9 and Article VII, Sections 7.1 and 7.3.

5.5 Permitting. The Contractor shall contact the Environmental Protection Division of the Department (515-281-8941) to determine if a permit or permit amendment is necessary from the Department. If a permit or permit amendment is required, the Contractor shall prepare detailed plans for the Project. The Contractor will submit plans and specifications for the Project to the Environmental Protection Division of the Department and shall receive approval from the Department before operation of the Project begins. If the Department determines that a permit or permit amendment is not necessary, a written confirmation from the Department must be provided.

5.6 Purchases. The Contractor agrees to make a concerted effort to contract at least ten percent of all purchases which directly utilize Landfill Alternatives Financial Assistance Program funds in the purchase of supplies, equipment, construction and services with targeted businesses, minority owned businesses or women owned businesses. The Department shall release Project funds for reimbursement for eligible expenses, only after the Contractor documents in writing, a summary of efforts and the Contractor receives approval from the Department. Documentation of the Contractor's efforts may take place prior to placing purchase orders for all eligible contract expenses or the Contractor may elect to submit the documentation prior to the placing of purchase orders for each additional equipment, supplies, construction and services.

The Contractor shall purchase eligible items costing over \$10,000 on a competitive basis if this purchase directly utilizes Landfill Alternatives Financial Assistance Program funds. The

Contractor shall keep on file at the project site all bid documents, price quotes and other materials documenting the competitive bid process was adhered to until the expiration of the Term of Contract as identified on the title page of the Contract. These bid documents, price quotes and other materials documenting the competitive bid process shall be made available upon request for review by the Department or its advisors. The purchase of nonexpendable tangible personal property will include a local cost share of the actual purchase price of the nonexpendable tangible personal property expenses as identified in Appendix A, Budget. Subject to the five-year reimbursement provision as set forth below, the title of the property purchased by the Contractor shall remain vested with the Contractor.

In the event that the Project fails or ceases operations as originally proposed for up to five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract and without prior Department approval, the Department shall be reimbursed an amount equal to the estimated current fair market value for all grant funded nonexpendable tangible personal property used in the performance of this Contract. In the event any grant funded nonexpendable tangible personal property item or items purchased or constructed, in which Landfill Alternatives Financial Assistance Program funds were used, are sold and proceeds from that sale are used for other than acquisition of comparable replacement items for up to five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract, the Department shall be paid a percentage of the sale price equal to the percentage of Landfill Alternatives Financial Assistance Program money used in the original purchase or construction of the nonexpendable tangible personal property. For the purposes of this contract, nonexpendable tangible personal property, includes but is not limited to, vehicles, trailers, collection and processing equipment, building construction, building remodeling, and scales. For the purposes of this Contract, comparable replacement items means items that maintain the intent of the Project.

In the event that the Project fails or ceases operations as originally proposed during the Term of Contract as identified on the title page of this Contract and without prior Department approval, may result in the withholding of any or all unspent loan funds and may be cause for the Department to terminate the Contract and declare the entire unpaid balance and costs of collection immediately due and payable.

5.7 Monthly and Quarterly Reports. The Contractor shall submit monthly reports on the Project. Monthly reports are due by the 15th of every month and shall commence with the beginning date and terminate with the ending date of Time of Performance as identified on the title page of this Contract. In place of monthly reports, quarterly reports will be due during the period of time in which loan repayments are being made and will terminate with the last loan repayment submitted to the Department. Prepayment of loan funds will not will not relieve the Contractor of complying with conditions of this Contract, including reporting requirements without prior approval of the Department.

Monthly and quarterly reports shall discuss the status of the Project and shall include an update of all information required in Article V, Sections 5.1 through 5.6 of this Contract.

5.8 Pictorial History. The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up, and Contract completion. Provide necessary supporting information, a narrative, for clarification of pictorial history subject matter. The pictorial history shall be of such quality necessary for presentations at conferences, reproduction in trade journals, and other sources to disseminate the

results of the Project. One copy of this pictorial history and supporting narrative shall be submitted with the interim report described in Article V, Section 5.9 and Article VI, Milestones.

5.9 Interim Report. The Contractor shall submit an interim report on the Project. The interim report shall be submitted by the date identified on the title page of this Contract and Article VI, Milestones. The interim report shall include an overview of Article V, Sections 5.1 through 5.8 with special attention given to the following items:

- 1) Provide a detailed summary of: a) set out survey results; b) methods and calculations used in determining new weight-based collection rates; c) survey results of customer attitudes, changes in customer waste management and recycling behavior; d) evaluate performance of collection equipment; e) impact on per stop and overall collection times f) report the locations of recycling drop-boxes, the frequency these boxes are serviced, the amount of recyclables and non-recyclables collected, steps taken to reduce contaminants and where collected recyclables are taken for processing; and g) landfill diversion impact resulting from the Project. Landfill diversion impact shall be provided with a comparison of previous year landfill tonnage for the same time period. The impact of public awareness and education programs. A detailed and documented description of all Project costs, including administrative and operational costs, and revenues. Conclusions and recommendations regarding the Project and applicable items identified in Appendix B shall be provided.
- 2) The environmental impact of the Project in terms of landfill diversion.
- 3) Assessment of the viability of conducting this type of project in other facilities, communities, counties and regions within the State of Iowa.
- 4) Details on all aspects of the Project during the term of the Contract, including an analysis of problems and successes encountered.
- 5) Complete pictorial (slides) history and supporting narrative of the Project. The pictorial history must be of presentation quality.
- 6) Copies of all educational materials, brochures, newspaper and magazine articles, press releases, public service announcements and other written, audio, and pictorial materials that educate or promote the project.

APPENDIX A

| ITEM | DNR AWARD | COST SHARE | TOTAL COST |
|--------------------|-----------|------------|------------|
| Equipment (grant) | \$ 42,000 | \$ 4,200 | \$ 46,200 |
| Containers (loan) | 42,000 | 4,200 | 46,200 |
| Existing Equipment | 0 | 50,000 | 50,000 |
| Wages (grant) | 64,000 | 35,500 | 99,500 |

| | | | |
|---------------------------------------|------------|------------|------------|
| Education/Promotion materials (grant) | 20,000 | 10,000 | 30,000 |
| | | | |
| TOTALS | \$ 168,000 | \$ 103,900 | \$ 271,900 |

Equipment to be purchased:

- Retrofitted tipping arm (2)
- Load cell (2)
- System computer (2)

Execution of this Contract is certification that existing in-kind local match, as represented in the Budget, Appendix A, is true, correct, and accurate. If found that existing in-kind local match is being falsely represented, it may result in termination of this Contract, withholding of any or all unspent grant and/or loan funds and may be cause for the Department to declare the entire unpaid balance and costs of collection immediately due and payable.

Buena Vista County Solid Waste Commission

\$ 143,710

Loan

ARTICLE V. SCOPE OF WORK

5.1 **Project Description.** The Contractor will complete the expansion of the existing facility and purchase equipment that will improve composting operations. Recyclable materials delivered to the transfer station are separated and the compostable fraction is taken to the composting site. Finished compost is used as a soil conditioner on-site and is used as a top dressing on crop land owned by the Commission.

5.2 **Materials.** Materials to be diverted from a sanitary landfill as part of the Project include: paper, paper products and other compostable materials. A written listing of the source, type and amount of materials entering the composting operations shall be provided to the Department as part of the monthly and quarterly reports and the interim report as described in Article V, Sections 5.4, 5.7, 5.9 and Article VII, Sections 7.1 and 7.2.

5.3 **Public Awareness and News Media.** The Contractor shall conduct at least one multi-media notified open house event open to all interested parties, after the Project is operational, and will encourage media visits at other times. The Contractor shall notify the Department of the open house no later than thirty (30) days prior to the scheduled date. The Contractor shall inform the public of the Project and promote the project site and project events through the use of newspapers, newsletters, and/or other media within the area served by the Project.

Public Awareness and Education. The Contractor shall develop a comprehensive education program targeting schools, business, industry and the general public located within the described Project Area. the Contractor shall also make a concerted effort to host at least one public meeting, publicized and open to the public, or speak at a conference, workshop, or similar event, to discuss the Project. Brochures that are developed promoting the Project shall be made available throughout the Project Area and

provided to the Department as part of the reporting requirements identified in Article V, Sections 5.7 and 5.9 and Article VII, Sections 7.1 and 7.2.

5.4 Project Monitoring. The Contractor shall document and monitor, at a minimum, items identified in Article V, Sections 5.2, 5.3, 5.5, 5.6, 5.8, and 5.9. Specific items to be monitored and reported include: a) the source, amount and type of materials being composted; b) detailed description of operations from the handling of incoming compostable materials through the composting operation to finished compost; c) how finished compost is used on-site, the amount used and results of its use; d) the amount of finished compost used as a soil conditioner on crop land, the amount used and the effect on yield, if any; e) efforts taken to secure a market for the finished compost and the results of these marketing efforts. The Contractor shall report on all applicable items identified in Appendix B. Monitoring results shall be reported to the Department in the monthly, quarterly and interim reports described in Article V, Sections 5.7 and 5.9 and Article VII, Sections 7.1 and 7.2.

5.5 Permitting. The Contractor shall contact the Environmental Protection Division of the Department (515-281-8941) to determine if a permit or permit amendment is necessary from the Department. If a permit or permit amendment is required, the Contractor shall prepare detailed plans for the Project. The Contractor will submit plans and specifications for the Project to the Environmental Protection Division of the Department and shall receive approval from the Department before operation of the Project begins. If the Department determines that a permit or permit amendment is not necessary, a written confirmation from the Department must be provided.

5.6 Purchases. The Contractor agrees to make a concerted effort to contract at least ten percent of all purchases which directly utilize loan funds in the purchase of supplies, equipment, construction and services with targeted businesses, minority owned businesses or women owned businesses. The Department shall release loan funds for reimbursement for eligible expenses, only after the Contractor documents in writing, a summary of efforts and the Contractor receives approval from the Department. Documentation of the Contractor's efforts may take place prior to placing purchase orders for all eligible contract expenses or the Contractor may elect to submit the documentation prior to the placing of purchase orders for each additional equipment, supplies, construction and services.

The Contractor shall purchase eligible items costing over \$10,000 on a competitive basis if this purchase directly utilizes loan funds. The Contractor shall keep on file at the project site all bid documents, price quotes and other materials documenting the competitive bid process was adhered to until the expiration of the Term of Contract as identified on the title page of the Contract. These bid documents, price quotes and other materials documenting the competitive bid process shall be made available upon request for review by the Department or its advisors. The purchase of nonexpendable tangible personal property will include a local cost share of the actual purchase price of the nonexpendable tangible personal property expenses as identified in Appendix A, Budget. Subject to terms of the loan as set forth below and in Appendix C, the title of the property purchased by the Contractor shall remain vested with the Contractor.

The Contractor shall notify, in writing, and receive Department approval prior to the sale of any nonexpendable tangible personal property item or items purchased or constructed in which loan funds were used. For the purposes of this contract, nonexpendable tangible personal property, includes but is not limited to, vehicles, trailers, collection and processing equipment, building construction, building remodeling, and scales.

In the event that the Project fails or ceases operations as originally proposed during the Term of Contract as identified on the title page of this Contract and without prior Department approval, may result in the withholding of any or all unspent loan funds and may be cause for

the Department to terminate the Contract and declare the entire unpaid balance and costs of collection immediately due and payable.

5.7 Monthly and Quarterly Reports. The Contractor shall submit monthly reports on the Project. Monthly reports are due by the 15th of every month and shall commence with the beginning date and terminate with the ending date of Time of Performance as identified on the title page of this Contract. In place of monthly reports, quarterly reports will be due during the period of time in which loan repayments are being made and will terminate with the last loan repayment submitted to the Department. Prepayment of loan funds will not will not alleviate the Contractor of complying with conditions of this Contract, including reporting requirements without prior approval of the Department.

Monthly and quarterly reports shall discuss the status of the Project and shall include an update of all information required in Article V, Sections 5.1 through 5.6, and Appendix B of this Contract.

5.8 Pictorial History. The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up, and Contract completion. Provide necessary supporting information, a narrative, for clarification of pictorial history subject matter. The pictorial history shall be of such quality necessary for presentations at conferences, reproduction in trade journals, and other sources to disseminate the

results of the Project. One copy of this pictorial history and supporting narrative shall be submitted with the interim report described in Article V, Section 5.9 and Article VI, Milestones.

5.9 Interim report. The Contractor shall submit an interim report on the Project. The interim report shall be submitted by the date identified on the title page of this Contract and Article VI, Milestones. The interim report shall include an overview of Article V, Sections 5.1 through 5.8 with special attention given to the following items:

- 1) Provide a detailed summary of a) the source, amount and type of materials being composted; b) detailed description of operations from the handling of incoming compostable materials through the composting operation to finished compost; c) how finished compost is used on-site, the amount used and results of its use; d) the amount of finished compost used as a soil conditioner on crop land, the amount used and the effect on yield, if any; e) efforts taken to secure a market for the finished compost and the results of these marketing efforts. All applicable items identified in Appendix B, the impact of public awareness and education programs. A detailed and documented description of all Project costs, expenses and revenues. Conclusions and recommendations regarding the Project shall be provided.
- 2) The environmental impact of the Project in terms of landfill diversion and use of finished compost.
- 3) Assessment of the viability of conducting this type of project in other facilities, communities, counties and regions within the State of Iowa.
- 4) Details on all aspects of the Project during the Time of Performance, including an analysis of problems and successes encountered.
- 5) Complete pictorial (slides) history and supporting narrative of the Project. The pictorial history must be of presentation quality.

- 6) Copies of all educational materials, brochures, newspaper and magazine articles, press releases, public service announcements and other written, audio, and pictorial materials that educate or promote the project.

APPENDIX A

| ITEM | DNR AWARD | COST SHARE | TOTAL COST |
|-----------------------|------------|------------|------------|
| Building Construction | \$ 39,710 | \$ 28,450 | \$ 68,160 |
| Equipment | 104,000 | 56,000 | 160,000 |
| TOTALS | \$ 143,710 | \$ 84,450 | \$ 228,160 |

Equipment to be purchased:

End loader

Dump truck with modifications

Iowa Valley Community College District

\$78,968

Grant

ARTICLE V. SCOPE OF WORK

5.1 **Project description.** The Contractor will develop and implement a variety of educational programs on alternatives to landfilling in an effort to modify resident behavior in dealing with solid waste.

5.2 **Public awareness, news media.** The Contractor shall conduct at least one multi-media notified open house event open to all interested parties, after the Project is operational, and will encourage media visits at other times. The Contractor shall notify the Department of the open house no later than thirty (30) days prior the scheduled date of the open house. The Contractor shall inform the public of the Project, the project site and project events through the use of newspapers, newsletters and/or other media within the area served by the Project.

Public awareness, education. The Contractor shall develop a comprehensive education program targeting families with school age children, small business and industry, multiple dwelling unit owners and tenants, and families new to the Project Area. The Contractor shall also make a concerted effort to host at least one public meeting, publicized and open to the public, or speak at a conference, workshop, or similar event to discuss the Project. Brochures to accompany the public awareness, education and Project promotion activities shall be made available throughout the Project Area and shall be

provided to the Department as part of the reporting requirements identified in Article V, Sections 5.4, 5.7 and 5.9 and Article VII, Sections 7.1, and 7.3.

5.3 Project monitoring. The Contractor shall document and monitor, at a minimum, items identified in Article V, Sections 5.2, 5.4, 5.5, 5.6, 5.7, and 5.8. The Contractor will monitor steps taken to develop each educational program, detail how implementation was accomplished, target audience, and success of the educational program in terms of attendance, participation, increases in recyclables collected and decreases in solid waste landfilled. Monitoring results shall be reported in monthly and final reports to the Department as described in Article V, Sections 5.6 and 5.8 and Article VII, Sections 7.1 and 7.3.

5.4 Permitting. The Contractor shall contact the Environmental Protection Division of the Department (515-281-8941) to determine if a permit or permit amendment is necessary from the Department. If a permit or permit amendment is required, the Contractor shall prepare detailed plans for the Project. The Contractor will submit plans and specifications for the Project to the Environmental Protection Division of the Department and shall receive approval from the Department before operation of the Project begins. If the Department determines that a permit or permit amendment is not necessary, a written confirmation from the Department must be provided.

5.5 Purchases. The Contractor agrees to make a concerted effort to contract at least ten percent of all purchases which directly utilize grant funds in the purchase of supplies, equipment, construction and services with targeted businesses, minority owned businesses or women owned businesses. The Department shall release grant funds for reimbursement for eligible expenses, only after the Contractor documents in writing, a summary of efforts and the Contractor receives approval from the Department. Documentation of the Contractor's efforts may take place prior to placing purchase orders for all eligible contract expenses or the Contractor may elect to submit the documentation prior to the placing of purchase orders for each additional equipment, supplies, construction and services.

The Contractor shall purchase eligible items costing over \$10,000 on a competitive basis if this purchase directly utilizes grant funds. The Contractor shall keep on file at the project site all bid documents, price quotes and other materials documenting the competitive bid process was adhered to until the expiration of the Term of Contract as identified on the title page of the Contract. These bid documents, price quotes and other materials documenting the competitive bid process shall be made available upon request for review by the Department or its advisors. The purchase of nonexpendable tangible personal property will include a local cost share of the actual purchase price of the nonexpendable tangible personal property expenses as identified in Appendix A, Budget. Subject to the five-year reimbursement provision as set forth below, the title of the property purchased by the Contractor shall remain vested with the Contractor.

In the event that the Project fails or ceases operations as originally proposed for up to five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract and without prior Department approval, the Department shall be reimbursed an amount equal to the estimated current fair market value for all nonexpendable tangible personal property used in the performance of this Contract. In the event any nonexpendable tangible personal property item or items purchased or constructed, in which grant funds were used, are sold and proceeds from that sale are used for other than acquisition of comparable replacement items for up to five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract, the Department shall be paid a percentage of the sale price equal to the percentage of grant money used in the original purchase or construction of the nonexpendable tangible personal property. For the purposes of this contract, nonexpendable tangible personal property, includes but is not limited to, vehicles, trailers, collection and processing equipment, building

construction, building remodeling, and scales. For the purposes of this contract, comparable replacement items means items that maintain the intent of the Project.

5.6 Monthly reports. The Contractor shall submit monthly reports on the Project. The monthly reports are due by the 15th of every month and shall commence with the beginning date of Time of Performance as identified on the title page of this Contract. Monthly reports shall discuss the status of the project for the preceding calendar month and shall include a monthly update of the information required Article V, Sections 5.1 through 5.5, 5.7 and 5.8 of this Contract.

5.7 Pictorial history. The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up, and Contract completion. Provide necessary supporting information, a narrative, for clarification of pictorial history subject matter. The pictorial history shall be of such quality necessary for presentations at conferences, reproduction in trade journals, and other sources to disseminate the results of the Project. Provide necessary supporting information for clarification of pictorial history subject matter. One copy of this pictorial history and supporting narrative shall be submitted with the final report described in Article V, Section 5.8 and Article VI, Milestones.

5.8 Final report. The Contractor shall submit a final report on the Project. The final report shall be submitted by the date identified on the title page of the Contract and in Article VI, Milestones. The final report shall include an overview of Article V, Sections 5.1 through 5.7 with special attention given to the following items.

- 1) Detailed summary of: a) steps taken to develop each educational program; b) detail how implementation was accomplished; c) target audience(s) for each educational program; and d) success of the educational program in terms of attendance, participation, increases in recyclables collected and decreases in solid waste landfilled. A detailed description of all Project costs and expenses and conclusions and recommendations regarding the Project.
- 2) The environmental impact of the Project in terms of increased landfill diversion and increased recycling.
- 3) Assessment of the viability of conducting this type of project in other facilities, communities, counties and regions within the State of Iowa.
- 4) Details on all aspects of the Project during the term of the Contract, including an analysis of problems and successes encountered.
- 5) Complete pictorial (slides) history and supporting narrative of the Project. The pictorial history must be of presentation quality.
- 6) Copies of all educational materials, brochures, newspaper and magazine articles, press releases, public service announcements and other written, audio, and pictorial materials that educate or promote the Project.

APPENDIX A

BUDGET

| ITEM | DNR GRANT | COST SHARE | TOTAL COST |
|-----------------------|-----------|------------|------------|
| Wages and Benefits | \$ 64,018 | \$ 22,500 | \$ 86,518 |
| Project Administrator | 0 | 7,200 | 7,200 |
| Local Coordinator | 0 | 2,800 | 2,800 |
| Contracted Services | 2,250 | 3,750 | 6,000 |
| Advertising | 1,600 | 0 | 1,600 |
| Printing and Postage | 4,400 | 4,050 | 8,450 |
| Travel | 2,000 | 400 | 2,400 |
| Supplies | 4,700 | 300 | 5,000 |
| Office Space | 0 | 1,596 | 1,596 |
| TOTAL | \$ 78,968 | \$ 42,596 | \$ 121,564 |

Butler County Solid Waste Commission

\$127,300

Loan

ARTICLE V. SCOPE OF WORK

5.1 **Project Description.** The Contractor will construct and equip a recycling center located at the existing solid waste transfer station to process recyclables collected via drop-off containers. Drop-off containers will be placed in each incorporated city in Butler County to serve that city and the surrounding rural area.

5.2 **Materials and Markets.** Materials to be diverted from a sanitary landfill resulting from the Project include at a minimum: clear glass food and beverage containers, plastic milk jugs, steel food and beverage cans, and old newspapers.

A written listing of markets shall be provided to the Department. This listing shall describe the method and cost of processing each material; method of delivery of each material to market; and market price received for each material. Any changes in materials collected, received, materials processing, markets and marketing strategies shall be reported in the monthly and quarterly reports and the interim report as described in Article V, Sections 5.4, 5.7, 5.9 and Article VII, Sections 7.1 and 7.2.

- 5.3 **Public Awareness and News Media.** The Contractor shall conduct at least one multi-media notified open house event open to all interested parties, after the Project is operational, and will encourage media visits at other times. The Contractor shall notify the Department of the open house no later than thirty (30) days prior to the scheduled date. The Contractor shall inform the public of the Project and promote the project site and project events through the use of newspapers, newsletters, and/or other media within the area served by the Project.

Public Awareness and Education. The Contractor shall develop a comprehensive recycling education program targeting all residents located within the described Project Area. The Contractor shall also make a concerted effort to host at least one public meeting, publicized and open to the public, or speak at a conference, workshop, or similar event, to discuss the Project. Brochures that are developed promoting the Project shall be made available throughout the Project Area and provided to the Department as part of the reporting requirements identified in Article V, Sections 5.7 and 5.9 and Article VII, Sections 7.1 and 7.2.

- 5.4 **Project Monitoring.** The Contractor shall document and monitor, at a minimum, items identified in Article V, Sections 5.2, 5.3, 5.5, 5.6, 5.8, and 5.9. Specific items to be monitored and reported include: a) the amount and type of recyclables received at the recycling center from each community; b) frequency drop-off containers are serviced by each community; c) amount of non-recyclables or contaminants received; d) measures taken to increase recycling participation and decrease the amount of contaminants received; e) administrative costs and costs directly associated with materials processing; and marketing; f) processing method for each material marketed; and g) amount of each recyclable marketed, market price received and market identity. The Contractor will document and monitor revenues returned to each participating community. Monitoring results shall be reported to the Department in the monthly, quarterly and interim reports described in Article V, Sections 5.7 and 5.9 and Article VII, Sections 7.1 and 7.2.

- 5.5 **Permitting.** The Contractor shall contact the Environmental Protection Division of the Department (515-281-8941) to determine if a permit or permit amendment is necessary from the Department. If a permit or permit amendment is required, the Contractor shall prepare detailed plans for the Project. The Contractor will submit plans and specifications for the Project to the Environmental Protection Division of the Department and shall receive approval from the Department before operation of the Project begins. If the Department determines that a permit or permit amendment is not necessary, a written confirmation from the Department must be provided.

- 5.6 **Purchases.** The Contractor agrees to make a concerted effort to contract at least ten percent of all purchases which directly utilize loan funds in the purchase of supplies, equipment, construction and services with targeted businesses, minority owned businesses or women owned businesses. The Department shall release loan funds for reimbursement for eligible expenses, only after the Contractor documents in writing, a summary of efforts and the Contractor receives approval from the Department. Documentation of the Contractor's efforts may take place prior to placing purchase orders for all eligible contract expenses or the Contractor may elect to submit the documentation prior to the placing of purchase orders for each additional equipment, supplies, construction and services.

The Contractor shall purchase eligible items costing over \$10,000 on a competitive basis if this purchase directly utilizes loan funds. The Contractor shall keep on file at the project site all bid documents, price quotes and other materials documenting the competitive bid process was adhered to until the expiration of the Term of Contract as identified on the title page of the Contract. These bid documents, price quotes and other materials documenting the competitive

bid process shall be made available upon request for review by the Department or its advisors. The purchase of nonexpendable tangible personal property will include a local cost share of the actual purchase price of the nonexpendable tangible personal property expenses as identified in Appendix A, Budget. Subject to terms of the loan as set forth below and in Appendix B, the title of the property purchased by the Contractor shall remain vested with the Contractor.

The Contractor shall notify, in writing, and receive Department approval prior to the sale of any nonexpendable tangible personal property item or items purchased or constructed in which loan funds were used. For the purposes of this contract, nonexpendable tangible personal property, includes but is not limited to, vehicles, trailers, collection and processing equipment, building construction, building remodeling, and scales.

In the event that the Project fails or ceases operations as originally proposed during the Term of Contract as identified on the title page of this Contract, and without prior Department approval, may result in the withholding of any or all unspent loan funds and may be cause for the Department to terminate the Contract and declare the entire unpaid balance and costs of collection immediately due and payable.

5.7 Monthly and Quarterly Reports. The Contractor shall submit monthly reports on the Project. Monthly reports are due by the 15th of every month and shall commence with the beginning date and terminate with the ending date of Time of Performance as identified on the title page of this Contract. In place of monthly reports, quarterly reports will be due during the period of time in which loan repayments are being made and will terminate with the last loan repayment submitted to the Department. Prepayment of loan funds will not will not alleviate the Contractor of complying with conditions of this Contract, including reporting requirements without prior approval of the Department.

Monthly and quarterly reports shall discuss the status of the Project and shall include an update of all information required in Article V, Sections 5.1 through 5.6, and Appendix B of this Contract.

5.8 Pictorial History. The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up, and Contract completion. Provide necessary supporting information, a narrative, for clarification of pictorial history subject matter. The pictorial history shall be of such quality necessary for presentations at conferences, reproduction in trade journals, and other sources to disseminate the results of the Project. One copy of this pictorial history and supporting narrative shall be submitted with the interim report described in Article V, Section 5.9 and Article VI, Milestones.

5.9 Interim Report. The Contractor shall submit an interim report on the Project. The interim report shall be submitted by the date identified on the title page of this Contract and Article VI, Milestones. The interim report shall include an overview of Article V, Sections 5.1 through 5.8 with special attention given to the following items:

- 1) Detailed summary of: a) the amount and type of recyclables received at the recycling center from each community; b) frequency drop-off containers are serviced by each community; c) amount of non-recyclables or contaminants received; d) measures taken to increase participation and decrease contaminants; e) administrative costs and costs associated with materials processing and marketing; f) processing method for each material marketed; and g) amount of each recyclable marketed, market price received and market identity. The Contractor will document and report revenues returned to each participating community. The Contractor will provide information on all applicable items

identified in Appendix B, the impact of public awareness and education programs and conclusions and recommendations regarding the Project.

- 2) The environmental impact of the Project in terms of, at a minimum, solid waste diverted from the landfill.
- 3) Assessment of the viability of conducting this type of project in other communities, counties and regions within the State of Iowa.
- 4) Details on all aspects of the Project during the Time of Performance, including an analysis of problems and successes encountered.
- 5) Complete pictorial (slides) history and supporting narrative of the Project. The pictorial history must be of presentation quality.
- 6) Copies of all educational materials, brochures, newspaper and magazine articles, press releases, public service announcements and other written, audio, and pictorial materials that educate or promote the project.

APPENDIX A

| ITEM | DNR AWARD | COST SHARE | TOTAL COST |
|----------------------------|------------|------------|------------|
| Equipment | \$ 57,400 | \$ 9,200 | \$ 66,600 |
| Drop-off Containers | 48,400 | 6,000 | 54,400 |
| Concrete Work | 21,500 | 5,400 | 26,900 |
| Building Construction | 0 | 47,900 | 47,900 |
| Land and Site Improvements | 0 | 1,000 | 1,000 |
| | | | |
| TOTALS | \$ 127,300 | \$ 69,500 | \$ 196,800 |

Equipment to be purchased:
 glass crusher
 bailer
 skid loader

Execution of this Contract is certification that existing in-kind local match, as represented in the Budget, Appendix A, is true, correct, and accurate. If found that existing in-kind local match is being falsely represented, it may result in termination of this Contract, withholding of any or all

unspent loan funds and may be cause for the Department to declare the entire unpaid balance and costs of collection immediately due and payable.

Director Wilson noted that Terree Caldwell-Johnson had requested to address this item and he invited her to speak at this time.

Terree Caldwell Johnson

Terree Caldwell Johnson, Executive Director of Metro Waste Authority, presented a written statement and distributed copies to the Commission.

Her statement covered an overview of the Metro Waste Authority and its facilities, programs and services; an overview of the proposed Mixed Waste R&D Project; a discussion of compost marketing; and national and state support for the project.

A copy of her complete statement is on file in the department's Records Center.

Ms. Caldwell Johnson stated that it is clear that the merits behind this Mixed Waste Composting R&D Project span across Iowa and beyond its borders. She noted that the solid waste industry is clamoring for data that can be generated by this project. She added that it is the most reasonable and cost effective technology available to landfill operators for reaching state-mandated waste reduction. Iowa's landfill operators have just five years to reduce their waste streams by 50%. Ms. Caldwell Johnson stated that the MWA requests the support of each Commissioner for this project, adding that it is a project that has far reaching implications for the solid waste management industry.

Ms. Caldwell Johnson addressed the compost marketing issues brought up by Commissioner Draeger in an earlier meeting. She related that the MWA is, in essence, marketing the compost to itself. She stated that the MWA is interested in working with DNR to address marketing compost off-site.

Gary Priebe commented that he received a call from an individual (Mike Johnston) who lives near MWA and was complaining about the odor from the compost pile.

Ms. Caldwell Johnson pointed out that Mr. Johnston runs a hog confinement operation directly across the street from the MWA landfill, so she is not sure to whom the odor issue might be attributed. She added that it is important to note that the MWA yard waste operation has been in operation since 1990, and handles 10,000 tons of yard waste annually which includes grass, leaves and brush. At the facility, leachate is incorporated into the yard waste and is used to encourage the vegetative growth at the landfill.

A lengthy discussion followed regarding the possible future use of sewage sludge and other materials in the compost; using the compost as enhancement after the final cover to encourage vegetative growth; use of final cover from a borrow area on-site; the type of nonpermanent

enclosure to be used for the composting operation; and whether the compost could be used on an area other than the landfill.

Gary Priebe commented that he read a news clipping about the River Bend Compost operation in Liberty, Missouri being cited for odor problems.

Ms. Hay presented details of the remaining Landfill Alternatives Financial Assistance contracts.

Terry Townsend expressed concern with the Skumatz grant stating that he cannot see spending \$168,000 for a study when it's already known what the answer will be. He related that the City of Newton had a curbside recycling program whereby they went with a volume and/or weight program and it has been working fine.

Ms. Hay stated that there are over 80 communities in the state that are using volume based pricing for their garbage collection systems, but there has not been any projects along the line of this study. She related that unit based pricing is the ultimate way to go and staff feel there is a need for this information which can help the department to provide more, and better, information.

Commissioner Townsend stated that the information is available if people want to visit with towns that have it. He also objected to Iowa grant money going to a facility out-of-state.

Ms. Hay emphasized that the project will benefit all of Iowa.

Discussion followed and the consensus of the Commission was to approve the LAFA grant contracts individually.

Metro Waste Authority

Motion was made by William Ehm to approve the LAFA contract for Metro Waste Authority as presented. Seconded by Kathryn Murphy.

Discussion took place regarding the leachate treatment aspects of the project as well as odor problems.

Kathryn Draeger stated that she would like a future report on results of the project.

Vote on Commissioner Ehm's motion carried unanimously.

APPROVED AS PRESENTED

Ames Technology

Teresa Hay briefly described the project.

Motion was made by Kathryn Draeger to approve the LAFA contract for Ames Technology as presented. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

Carroll County Solid Waste Management Commission

Ms. Hay reviewed details of the project.

Motion was made by Gary Priebe to approve the LAFA contract for Carroll County Solid Waste Management Commission as presented. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

Skumatz Economic Research Associates, Inc. & Fremont County Waste Systems

William Ehm asked about the history of this project and who made the contact with the department.

Ms. Hay stated that it was a joint application from both Skumatz and Fremont County. She related that the hauler in Fremont county called the department looking for assistance in doing a unit based pricing project. The department then referred both parties to each other as staff knew (from a previous application) that Skumatz was interested in this type of project.

Motion was made by Terrance Townsend not to approve the LAFA contract with Skumatz Economic Research Associates, Inc. and Fremont County Waste Systems because it is already being done in the State of Iowa and the type of information that would result from this type of study is not necessary. Seconded by Michael Fesler.

Kathryn Draeger asked if there are any weight based collections in the State now.

Ms. Hay stated that there are no projects where they are collecting and weighing the materials at the curb.

Commissioner Townsend stated that the project in his community is strictly volume.

Ms. Hay stated that the Skumatz project involves actual calculations at the curb with scales. She related that the project will provide information that is not now available in the state.

Chairperson King requested a roll call vote. "Aye" vote was cast by Commissioners Britt, Fesler, Mohr, Priebe, Townsend, and King. "Nay" vote was cast by Commissioners Draeger, Ehm, and Murphy. Motion to not approve the contract carried on a vote of 6-Aye to 3-Nay.

CONTRACT NOT APPROVED

Buena Vista County Solid Waste Commission

Ms. Hay reviewed details of the project.

Kathryn Draeger commented that she has the same concern with this case as with Metro Waste Authority relating that, again, it is compost going straight to the landfill. She added that it is a waste reduction but is not a landfill alternative because it is going back into the landfill.

Motion was made by William Ehm to approve the LAFA contract for Buena Vista County Solid Waste Commission as presented. Seconded by Michael Fesler. Motion carried unanimously.

APPROVED AS PRESENTED

Iowa Valley Community College District

Ms. Hay briefly explained the project.

Motion was made by Charlotte Mohr to approve the LAFA contract for Iowa Valley Community College District as presented. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

Butler County Solid Waste Commission

Ms. Hay provided details of the contract.

Motion was made by Verlon Britt to approve the LAFA contract for Butler County Solid Waste Commission as presented. Seconded by Gary Priebe. Motion carried unanimously.

APPROVED AS PRESENTED

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
September 1, 1995

| PROPOSAL | NOTICE TO COMMISSION | NOTICE PUBLISHED | RULES REVIEW COMMITTEE | HEARING | FINAL SUMMARY TO COMMISSION | RULES ADOPTED | RULES PUBLISHED | RULES REVIEW COMMITTEE | RULE EFFECTIVE |
|--|----------------------|--------------------|------------------------|--|-----------------------------|----------------------|-----------------|------------------------|----------------|
| 1. Ch. 20, 22 - Revisions to Voluntary Operating Permit Rules | 5/15/95 | 6/07/95 | 7/11/95 | 7/07/95 | 8/21/95 | 8/21/95 | 9/13/95 | *10/04/95 | *10/18/95 |
| 2. Ch. 22 - Background Values for PH-10 AMENDED NOTICE | 6/19/95 6/19/95 | 7/19/95 8/16/95 | 8/14/95 9/05/95 | *10/18/95 | NOTICE *11/20/95 | AMENDED *11/20/95 | *12/20/95 | *1/17/96 | *1/24/96 |
| 3. Ch. 22 - New Source Review - Non-Attainment Areas | *10/16/95 | *11/08/95 | *12/12/95 | *12/ /95 | *1/16/96 | *1/16/96 | *2/07/96 | *3/11/96 | *3/18/96 |
| 4. Ch. 22 - A0 Construction Permit Exemptions | *10/16/95 | *11/08/95 | *12/12/95 | *12/ /95 | *1/16/96 | *1/16/96 | *2/07/96 | *3/11/96 | *3/18/96 |
| 5. Ch. 22, 23 - Standards for Hazardous Air Pollutants for Source Categories | 5/15/95 | 6/07/95 | 7/12/95 | 7/07/95 | 8/21/95 | 8/21/95 | 9/13/95 | *10/04/95 | *10/18/95 |
| 6. Ch. 40, 43 - Water Supply Permit Fees | 9/19/94 | 10/12/94 | 11/07/95 | 11/01/94 11/02/94 11/03/94 11/04/94 | 1/17/95 | 1/17/95 | 2/15/95 | 3/14/95 | Delayed |
| 7. Ch. 40, 43 - Water Supply Permit Fees | 8/21/95 | 9/13/95 | *10/11/95 | *10/03/95 *10/04/95 *10/05/95 *10/06/95 | *11/20/95 | *11/20/95 | *12/20/95 | *1/17/96 | *1/24/96 |
| 8. Ch. 47 - Grants to Counties | 7/17/95 | 8/16/95 | 9/13/95 | 9/07/95 | *10/16/95 | *10/16/95 | *11/08/95 | *12/12/95 | *12/13/95 |
| 9. Ch. 60, 62 - Effluent and Pretreatment Standards | | EMERGENCY | | | *9/18/95 | *9/18/95 | *10/11/95 | *10/10/95 | *9/22/95 |
| 10. Ch. 61 - UO Standards - Corps of Engineers Regional Section 404 Permits | 5/15/95 | 6/07/95 | 7/12/95 | ----- | 8/21/95 | 8/21/95 | 9/13/95 | *10/04/95 | *10/18/95 |
| 11. Ch. 83 - Laboratory Certification | *10/16/95 | *11/08/95 | *12/12/95 | *12/ /95 | *1/16/96 | *1/16/96 | *2/07/96 | *3/11/96 | *3/18/96 |
| 12. Ch. 101 - General Requirements Relating to SW Management and Disposal | 7/17/95 | 8/16/95 | 9/12/95 | 9/12/95 | *10/16/95 | *10/16/95 | *11/08/95 | *12/12/95 | *12/13/95 |
| 13. Ch. 112- Infectious Waste | 3/20/95 | 4/12/95 | 5/08/95 | 5/23/95 | *10/16/95 | *10/16/95 | *11/08/95 | *12/12/95 | *12/13/95 |
| 14. Ch. 135 - Underground Storage Tanks | 7/17/95 | 8/16/95 | 9/12/95 | 9/06/95 | *10/16/95 | *10/16/95 | *11/08/95 | *12/12/95 | *12/13/95 |

| Monthly Variance Report | | | | | | |
|-------------------------|--|-------------------------|---------------------|-------------------------------|----------|----------|
| Item No. | Facility | Program | Engineer | Subject | Decision | Date |
| 1 | Cromwell-(Southern Iowa Rural Water Association) | Wastewater Construction | Howard R. Green Co. | Pond Level Gauges | Approved | 08/11/95 |
| 2 | Cromwell-(Southern Iowa Rural Water Association) | Wastewater Construction | Howard R. Green Co. | Pump Clogging Protection | Approved | 08/11/95 |
| 3 | Cromwell-(Southern Iowa Rural Water Association) | Wastewater Construction | Howard R. Green Co. | Pond Influent Piping | Approved | 08/11/95 |
| 4 | Cromwell-(Southern Iowa Rural Water Association) | Wastewater Construction | Howard R. Green Co. | Lagoon Riprap | Approved | 08/11/95 |
| 5 | Cromwell-(Southern Iowa Rural Water Association) | Wastewater Construction | Howard R. Green Co. | Number of Lagoon Cells | Approved | 08/11/95 |
| 6 | Floris-(Wapello Rural Water Association) | Wastewater Construction | Garden & Associates | Number of Lagoon Cells | Approved | 08/01/95 |
| 7 | Floris-(Wapello Rural Water Association) | Wastewater Construction | Garden & Associates | Valve Pit | Approved | 08/01/95 |
| 8 | Floris-(Wapello Rural Water Association) | Wastewater Construction | Garden & Associates | Lagoon Riprap | Approved | 08/01/95 |
| 9 | Floris-(Wapello Rural Water Association) | Wastewater Construction | Garden & Associates | Pond Influent Piping | Approved | 08/01/95 |
| 10 | Floris-(Wapello Rural Water Association) | Wastewater Construction | Garden & Associates | Inter-Cell Control Structures | Approved | 08/01/95 |

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| | | | | | | |
|----|---|--------------------------|--|-------------------------|----------|----------|
| 11 | Floris-(Wapello Rural Water Association) | Wastewater Construction | Garden & Associates | Buried Discharge Valves | Approved | 08/01/95 |
| 12 | Missouri Valley, City of | Flood Plain | Ebmeier Engineering | Freeboard | Approved | 08/10/95 |
| 13 | Cedar Rapids-IES Big Bend & Stoney Point Combustion Residue Landfills | Solid Waste | Dean A. Hargens, P.E., IES Utilities, Inc. | Gas Control | Approved | 08/01/95 |
| 14 | Marshall County-Marshaltown Coal Combustion Residue Landfill | Solid Waste | Dean A. Hargens, P.E., IES Utilities, Inc. | Gas Control | Approved | 08/01/95 |
| 15 | Arnolds Park, City of | Watersupply Construction | Jacobson-Westergard & Associates | Construction Materials | Approved | 08/18/95 |
| 16 | Council Bluffs, City of | Watersupply Construction | HDR Engineering, Inc. | Installation Procedures | Approved | 08/01/95 |
| 17 | Dallas County-River Oaks Development | Watersupply Construction | Gjersvik & Associates | Construction Materials | Approved | 08/03/95 |
| 18 | Ho-Chunk Motel-Woodbury County | Watersupply Construction | Siouxland Engineering Associates | Construction Materials | Approved | 08/09/95 |
| 19 | Johnson County-Royal Oaks Subdivision | Watersupply Construction | MMS Consultants, Inc. | Construction Materials | Approved | 08/01/95 |
| 20 | Oscar Mayer Foods Corporation-Proposed Well Site B-Davenport | Watersupply Construction | Snyder & Associates | Siting Criteria | Denied | 08/07/95 |
| 21 | Pottawattamie County-Quail Run Country Club | Watersupply Construction | Snyder & Associates | Construction Materials | Approved | 08/03/95 |

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Report of Hazardous Conditions

During the period August 1, 1995, through August 31, 1995, reports of 72 hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately.

| Date Reported and County | Material, Amount, Cause, Location & Impact | Responsible Party | Response |
|--------------------------|---|---|--|
| 08/02/95 Scott | A hydraulic line broke on a track mobile, spilling 50 gallons of hydraulic fluid on a set of railroad tracks. The spill occurred near Davenport. No surface waters were impacted. | ALCOA Hwy 67 N Riverdale, IA | The contaminated soil and gravel were excavated and properly disposed. |
| 08/22/95 Johnson | A 15 gallon jug of concentrated hydrochloric acid fell off a truck near Iowa City, spilling the contents onto the street. | Di Chem 1710 78th Ave Rock Island, IL 61201 | The Johnson County Hazmat Team responded. The material was neutralized with soda ash and flushed to the storm sewer. |

| Substance | | | | | Mode | | | | | |
|-----------|-----------------|-------------------|-----------------|--------------------------------|----------------------|----------|------------------|-------------|------|-------|
| Month | Total Incidents | Petroleum Product | Agri - Chemical | Other Chemicals and Substances | Handling and Storage | Pipeline | Highway Incident | RR Incident | Fire | Other |
| October | 51(56) | 38(37) | 3(6) | 10(13) | 32(34) | 0(0) | 16(20) | 0(0) | 0(0) | 10(2) |
| November | 54(52) | 24(34) | 7(3) | 23(15) | 29(30) | 0(3) | 22(14) | 3(0) | 0(1) | 0(4) |
| December | 52(41) | 27(30) | 2(2) | 23(9) | 38(23) | 1(0) | 12(14) | 0(2) | 0(0) | 1(2) |
| January | 48(67) | 29(47) | 7(3) | 12(14) | 31(38) | 0(1) | 14(23) | 1(2) | 1(2) | 1(1) |
| February | 40(57) | 30(38) | 0(3) | 10(16) | 23(29) | 0(2) | 16(22) | 2(0) | 1(0) | 0(2) |
| March | 41(69) | 27(42) | 5(6) | 9(21) | 44(24) | 0(0) | 17(14) | 0(2) | 0(3) | 0(6) |
| April | 75(88) | 30(39) | 25(33) | 20(16) | 39(50) | 1(0) | 30(29) | 1(1) | 1(1) | 3(7) |
| May | 90(75) | 45(28) | 40(29) | 5(18) | 34(38) | 0(5) | 49(22) | 2(2) | 1(3) | 4(5) |
| June | 98(74) | 48(39) | 23(29) | 21(12) | 32(51) | 2(0) | 56(18) | 2(2) | 0(0) | 6(3) |
| July | 92(79) | 58(51) | 21(9) | 13(19) | 43(54) | 0(2) | 45(19) | 2(1) | 0(1) | 2(2) |
| August | 72(79) | 46(55) | 9(7) | 17(17) | 43(54) | 0(1) | 25(18) | 1(0) | 1(2) | 2(4) |
| September | | | | | | | | | | |

E95Sep-46

Total Number of Incidents Per Field Office This Period:

(numbers in parentheses for the same period in fiscal year '94)

| | | | | | |
|---|---|---|---|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 4 | 9 | 6 | 28 | 18 |

During the period of August 1, 1995 through August 31, 1995, the following number of LUST cleanups were completed:

9(972)

The number in parentheses represents the total number of LUST cleanups through August 31, 1995.

NUMBER OF LOW RISK SITES APPROVED

During the period of August 1, 1995 through August 31, 1995, the following number of low risk sites were approved:

13(782)

The number in parentheses represents the total number of low risk LUST sites through August 31, 1995.

REPORT OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of August 1, 1995 through August 31, 1995, the following number of releases from underground storage tanks were identified.

19(21)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1994.

Enforcement Report Update

The following new enforcement actions were taken last month:

| Name, Location and Field Office Number | Program | Alleged Violation | Action | Date |
|---|------------------------------------|--|--------------------------|---------|
| James E. Vaske, Kossuth Co. (2) | Wastewater | Construction Without Permit | Order/Penalty \$1,000 | 8/15/95 |
| Bondurant Municipal Water Supply (5) | Drinking Water | Monitoring/Reporting- Lead and Copper | Order/Penalty \$500 | 8/15/95 |
| Michael Glantz d/b/a AAMCO Transmission Co., Des Moines (5) | Wastewater, Hazardous Condition | Prohibited Discharge Failure to Notify | Order/Penalty \$3,500 | 8/15/95 |
| Carter Lake, City of (4) | Drinking Water | Monitoring/Reporting- Lead and Copper | Order/Penalty \$200 | 8/22/95 |
| Magnolia, City of (4) | Drinking Water | Monitoring/Reporting- Lead and Copper | Order/Penalty \$200 | 8/22/95 |
| Hanlontown, City of (2) | Drinking Water | Monitoring/Reporting- Lead and Copper; Public Notice | Order/Penalty \$300 | 8/22/95 |
| FKI Industries, Inc., fka Babcock Industries, Inc. and ACCO Babcock, Inc.; Fairfield Aluminum Castings Co., Fairfield (6) | Wastewater, Hazardous Condition | Prohibited Discharge; Remedial Action | Order | 8/22/95 |
| Scattergood Friends School, West Branch (6) | Drinking Water | Monitoring/Reporting- Lead and Copper; Public Notice | Order/Penalty \$200 | 8/24/95 |
| Meadow Knolls Addition, Marion (1) | Drinking Water | Monitoring/Reporting- Lead and Copper; Public Notice | Order/Penalty \$200 | 8/24/95 |
| Colwell, City of (2) | Drinking Water | Monitoring/Reporting- Lead and Copper; Public Notice | Order/Penalty \$200 | 8/24/95 |
| West Des Moines, City of (5) | Wastewater, Hazardous Condition | Reporting; Failure to Notify | Order/Penalty \$1,000 | 8/28/95 |

Summary of Administrative Penalties

The following administrative penalties are due:

| NAME/LOCATION | PROGRAM | AMOUNT | DUE DATE |
|---|---------|----------------|----------|
| Marvin Kruse d/b/a K & C Feeds (Luana) | UT | 300 | 12-01-92 |
| Don Grell d/b/a Dodge Enterprise (Ft. Dodge) | AQ | 10,000 | 2-16-93 |
| Duane Pospisil d/b/a Duane's Service (Lisbon) | UT | 1,000 | 5-04-93 |
| Franklin Raymond (Pacific Junction) | UT | 300 | 7-07-93 |
| *Delano's Lounge (Washington) | WS | 425 | 9-01-93 |
| Melvin Foubert d/b/a Mel's Repair Service (What Cheer) | UT | 400 | 12-13-93 |
| Stan Simmer d/b/a Tire City (Des Moines) | UT | 600 | 12-21-93 |
| *63-80 Cafe (Moore Oil Co.) (Malcom) | WS | 200 | 1-20-93 |
| William Hatch d/b/a R & R Convenience Store (Central City) | UT | 2,480 | 2-28-93 |
| K-Service, Inc.; Kirkendall Enterprises, et.al. (Sloan) | UT | 1,440 | 2-28-94 |
| Kurt & Mary Marzofka; John & Shirley Riordan (Sabula) | UT | 500 | 3-31-94 |
| Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva) | UT | 2,300 | 5-15-94 |
| Leland Koster and Jim Koster (Alexander) | UT | 350 | 6-11-94 |
| *Home Asbestos & Lead Abatement Services (Johnston) | AQ | 350 | 7-02-94 |
| King Transfer, Ltd.; George B. King (Onawa) | UT | 2,400 | 7-20-94 |
| Central Water Works (Fort Dodge) | WS | 275 | 8-21-94 |
| Blanchard, City of | WS | 275 | 8-22-94 |
| Crawford Flats, Ltd. (Denison) | WS | 275 | 8-25-94 |
| Holland, City of | WS | 550 | 8-28-94 |
| Denmark Municipal Water Supply (Denmark) | WS | 550 | 8-28-94 |
| Hide-A-Way Manor (Cedar Rapids) | WS | 275 | 8-28-94 |
| *Terry Beaird d/b/a Curry Environ. Services (Marion) | AQ | 1,000 | 9-01-94 |
| Coralville Lake Terrace Assn. (North Liberty) | WS | 550 | 9-01-94 |
| The Marley Pump Co. (Davenport) | WS | 125 | 9-13-94 |
| RHCL School (Luxemburg) | WS | 125 | 9-14-94 |
| Bill Dettman d/b/a Dettman Oil Co. (Fonda) | UT | 2,800 | 9-15-94 |
| Orrie's Supper Club, Inc. (Hudson) | WS | 275 | 9-19-94 |
| Kilpeck Mobile Home Park (Muscatine) | WS | 275 | 9-23-94 |
| Immanuel Lutheran Church and School (Readlyn) | WS | 275 | 9-23-94 |
| Sunshine Homes, Inc. (Atlantic) | WS | 275 | 9-25-94 |
| Scenic View Estates (Decorah) | WS | 275 | 9-25-94 |
| Yarmouth Elementary School (Mediapolis) | WS | 375 | 10-12-94 |
| Batavia, City of | WS | 650 | 10-17-94 |
| Geils Oil Company; Lawrence P. Geils (Donnellson) | UT | 3,200 | 10-18-94 |
| Hidden Valley Mobile Home Court (Washington Co.) | WS | 200 | 10-22-94 |
| *Dale Hall d/b/a Hall Oil Co. (Des Moines) | UT | 250 | 11-15-94 |
| DBM, Inc. (Cedar Falls) | AQ | 10,000 | 11-30-94 |
| Donald K. Schmidt (Cedar Rapids) | UT | 3,000 | 12-27-94 |
| Collier Oil Co.; Clark Concrete Co. (Onawa) | UT | 3,300 | 1-22-95 |
| Paul Underwood d/b/a Underwood Excavating (Cedar Rapids) | AQ | 4,000 | 3-24-95 |
| North Coralville Lake Manor (Solon) | WS | 450 | 3-26-95 |
| Curry Environmental Services (Dubuque) | AQ | 6,000 | 3-27-95 |
| Galva, City of | WS | 1,000 | 4-06-95 |
| Ron Mumby (Iowa Co.) | SW | 2,000 | 4-19-95 |
| Jody Beaver (Cedar Co.) | SW/AQ | 2,000 | 5-27-95 |
| R.V. Hopkins, Inc. (Davenport) | AQ | 10,000 | 5-29-95 |
| Valley Heights 1st Annex (Blue Grass) | WS | 550 | 6-05-95 |
| Orrie's Supper Club, Inc. (Hudson) | WS | 3,000 | 6-11-95 |
| Rock Falls Lounge (Rock Falls) | WS | 1,500 | 6-12-95 |
| Dallas County Care Facility (Adel) | WS | 550 | 6-13-95 |
| Crestwood Acres; Mid County Water, Inc. (Toddville) | WS | 375 | 6-13-95 |
| Lake Vista Improvement Assn., Inc. (Solon) | WS | 200 | 6-14-95 |
| Kinseth Hotel Corp.; Best Western Westfield (Coralville) | WS | 500 | 7-01-95 |
| Wieland & Sons Lumber Co. (Winthrop) | AQ/SW | 3,000 | 7-04-95 |
| Fremont County Sanitary Landfill (Fremont Co.) | SW | 5,000 | 7-05-95 |
| ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids) | AQ | 10,000 | 7-09-95 |
| Jay Browns d/b/a Browns Service (Murray) | UT | 1,272 | 7-10-95 |
| David A. Dohlman d/b/a Dave's Conoco (Dumont) | UT | 2,300 | 7-18-95 |
| Nishna Valley Community School (Hastings) | WS | 1,000 | 8-05-95 |
| *Waste Management & Design, Inc. (Webster City) | WW | 1,540 | 8-10-95 |
| Oscar Hahn (Solon) | SW/AQ | 2,000 | 8-29-95 |
| M & L Service; Loyall Dorr; Mark Courtney (Guthrie Center) | UT | 1,000 | 8-30-95 |
| Sheldahl, City of | WS | 200 | 8-30-95 |
| Norman Klynasma d/b/a OK One Stop Service (Hospers) | UT | 2,000 | 9-01-95 |
| Orville Long (Polk County) | SW | 3,000 | 9-12-95 |
| Bosson's Quasky Mart (Quasqueton) | WS | 100 | 10-01-95 |
| Ken Frese (Keokuk Co.) | SW/AQ | 1,000 | 10-03-95 |
| Michael Glantz d/b/a AAMCO Transmission (Des Moines) | WW/HC | 3,500 | 10-18-95 |
| James E. Vaske (Kossuth Co.) | WW | 1,000 | 10-21-95 |
| Scattergood Friends School (West Branch) | WS | 200 | 10-24-95 |
| Carter Lake, City of | WS | 200 | 10-25-95 |
| Magnolia, City of | WS | 200 | 10-25-95 |
| Hanlontown, City of | WS | 300 | 10-25-95 |
| Bondurant Municipal Water Supply | WS | 500 | 10-28-95 |
| Meadow Knolls Addition (Marion) | WS | 200 | 10-29-95 |
| Edward Bodenstainer (Des Moines) | UT | 3,200 | ----- |
| Plantation Village Mobile Home Park (Burlington) | WW | 1,000 | ----- |
| William R. Hennessey & Son, Inc. (Cedar Rapids) | UT | 2,670 | ----- |
| Colwell, City of | WS | 200 | ----- |
| West Des Moines, City of | WW/HC | 1,000 | ----- |
| TOTAL | | 131,902 | |

Environmental Protection Commission Minutes

September 1995

The following cases have been referred to the Attorney General:

| NAME/LOCATION | PROGRAM | AMOUNT | DUE DATE |
|---|---------|--------|----------|
| OK Lounge (Marion) | WS | 448 | 11-01-87 |
| Richard Davis (Albia) | SW | 1,000 | 2-28-88 |
| Eagle Wrecking Co. (Pottawattamie Co.) | SW | 300 | 5-07-89 |
| *Twelve Mile House (Bernard) | WS | 119 | 5-20-89 |
| *Lawrence Payne (Ottumwa) | SW | 425 | 6-19-89 |
| William L. Bown (Marshalltown) | SW | 1,000 | 10-01-89 |
| Wellendorf Trust (Algona) | AQ/SW | 460 | 2-12-90 |
| Donald P. Ervin (Ft. Dodge) | SW | 669 | 3-05-90 |
| Gerald G. Pregler (Dubuque Co.) | SW | 1,000 | 9-02-90 |
| Donald R. Null (Clinton Co.) | AQ/SW | 1,000 | 9-06-90 |
| Robert and Sally Shelley (Guthrie Center) | SW | 1,000 | 3-04-91 |
| Fred Varner (Worth Co.) | SW | 950 | 4-11-91 |
| Honey Creek Camping Resort (Crescent) | WS | 245 | 6-13-91 |
| F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi) | WS | 1,000 | 8-04-91 |
| *M & W Mobile Home Park (Muscatine) | WW | 200 | 8-21-91 |
| Vern Starling (Boone Co.) | SW | 440 | 9-15-91 |
| Lloyd Dunton (Iowa Co.) | SW | 300 | 11-07-91 |
| Vernus Wunschel d/b/a Wunschel Oil (Ida Grove) | UT | 300 | 1-12-92 |
| Kenneth Bode (Mills Co.) | SW | 300 | 4-27-92 |
| V.R. Dillingham d/b/a Barb's Service (Everly) | UT | 600 | 5-21-92 |
| Tandem Oak Park Associates (Ft. Dodge) | WS | 405 | 6-03-92 |
| Dick White (Washington County) | AQ | 250 | 8-15-92 |
| Rankin Roofing & Siding Co. (Knoxville) | AQ | 500 | 11-09-92 |
| Tony Hoyt d/b/a Lake Wilderness (Lee Co.) | SW | 1,000 | 1-23-93 |
| Bernard Gavin Veterinary Clinic (Wellsburg) | UT | 600 | 5-02-92 |
| Tim Sharp (Newton) | UT | 1,000 | 1-25-93 |
| David Young d/b/a Sierp Oil Co. (Casey) | UT | 300 | 2-10-93 |
| Carson Grain & Implement (Coggon) | UT | 1,000 | 8-03-92 |
| Robert Bodwell (Winterset) | UT | 300 | 7-07-93 |
| Louis Saak d/b/a Saak Oil Co. (Baxter) | UT | 1,560 | 12-25-93 |
| Smith Oil Co.; Franklin Smith (Mt. Ayr) | UT | 600 | 3-31-94 |
| Verna and Don Reed; Andrea Silsby (Union Co.) | SW | 1,000 | 4-07-94 |
| Economy Solar Corp. (Monticello) | AQ | 100 | 6-01-94 |
| Relative, Inc.; Doug Smuck (Des Moines) | UT | 3,070 | 10-11-94 |
| Relative, Inc.; Doug Smuck (Des Moines) | UT | 600 | 10-11-94 |
| Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia) | UT | 840 | 11-01-94 |
| Wunschel Oil, et.al. (Battle Creek) | UT | 6,400 | 11-08-94 |
| Paul L. Dunkel (Delaware Co.) | SW | 1,500 | 11-09-94 |

TOTAL 32,781

The following administrative penalties have been appealed:

| NAME/LOCATION | PROGRAM | AMOUNT |
|--|---------|--------|
| Joe Eggers, Jr., et.al. (St. Ansgar) | SW | 1,000 |
| McDowell Dam #1 (Lee Co.) | FP | 500 |
| Hickory Hollow Water Co. (Ankeny) | WS | 400 |
| Wayne Transportation, Inc. (Greene) | WW | 1,000 |
| Mulgrew Oil Company (Dubuque) | HC | 500 |
| John Staub d/b/a Mr. Convenient (Burlington) | UT | 600 |
| Charles Kerr (Sloan) | UT | 600 |
| Stringtown Country Cafe (Lenox) | WS | 1,000 |
| Lincoln Farm and Home Service (Henderson) | WW | 1,000 |
| Chickasaw Co. SLF, et.al. (Chickasaw Co.) | SW | 1,000 |
| Plymouth Cooperative Oil Co. (Hinton) | WW | 1,000 |
| LaVerne Rehder (Union) | UT | 300 |
| Randy Bonin/Vickie Brannick (Hardin Co.) | SW | 500 |
| Dean Hoeness d/b/a Hoeness & Sons (Winterset) | UT | 300 |
| Decatur, City of | UT | 600 |
| King's Terrace Mobile Home Court (Ames) | WW | 500 |
| ITWC, Inc. (Malcom) | AQ | 1,000 |
| Lloyd Decker (Floyd Co.) | SW | 1,000 |
| Waucoma, City of | WS | 200 |
| Tracy Below (Hardin Co.) | WW | 1,000 |
| Grand Laboratories, Inc. (Larchwood) | WW | 1,000 |
| Frank Hulshizer (Benton Co.) | SW | 500 |
| Chicago/Northwestern Transp. Co. (Council Bluffs) | HC | 1,000 |
| Pirelli Armstrong Tire Corp. (Polk Co.) | SW | 1,000 |
| TRS Industries, Inc.; City of Des Moines (Des Moines) | SW | 3,000 |
| Land Renu, Inc. (Rockwell City) | SW | 1,000 |
| LeMars, City of | WW | 5,000 |
| Crane Co. d/b/a Crane Valves (Washington Co.) | SW | 500 |
| Donald Udell (Plymouth Co.) | SW | 1,000 |
| Daisy H. Gridley Conservatorship, et.al. (Union Co.) | SW | 1,000 |
| Mel-Ray Mobile Home Park (Ankeny) | WW | 500 |
| Thomas L. Burt, et. al. (Butler Co.) | SW | 1,000 |
| Oakwood Park Water, Inc. (Ankeny) | WS | 1,000 |
| U.S. Dept. of Defense (Sioux City) | UT | 5,720 |
| Blue Spruce Feedlots, Inc. (Pottawattamie Co.) | WW | 5,000 |
| Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca) | UT | 5,000 |
| Valley Restaurant/Sierp Oil/Robert Radford (Villisca) | UT | 2,300 |
| Orlo Stewart, et.al. (Webster Co.) | SW | 1,000 |
| J.P. Scherrman, Inc. (Farley) | UT | 1,160 |
| Lester D. Davis & Evelyn McKelvogue (Warren Co.) | AQ/SW | 5,000 |
| Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock) | AQ | 3,000 |
| Anderson Excavating & Wrecking Co. (Waterloo) | AQ | 1,000 |
| Farmers Hybrid Companies, Inc. (Keokuk Co.) | WW | 3,500 |

| | | |
|---|-------|--------|
| L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; and Gene Philips (Ottumwa) | AQ | 10,000 |
| Eli Shada (Anamosa) | UT | 1,328 |
| James and Robert Brock d/b/a B & B Oil (Ringsted) | UT | 1,685 |
| M and D Tire Processing, Inc. (Decatur Co.) | SW | 10,000 |
| Merrill, City of | AQ | 5,000 |
| Harold Lee (Keokuk Co.) | WW | 3,300 |
| Riverside Plating Company (Shell Rock) | WW | 1,500 |
| Economy Solar Corp. (Monticello) | AQ | 5,000 |
| Toys "R" Us, Inc. (Davenport) | UT | 5,560 |
| Coastal Mart, Inc.-Store #1081 (Davenport) | UT | 5,320 |
| John Deere Company (Waterloo) | AQ | 1,000 |
| Parkwest, Ltd.; Wilbur Numelin; Ricky Lee Anderson (Clear Lake) | UT | 2,280 |
| Country Stores of Carroll, Ltd.; Roger Kanne (Carroll) | UT | 10,000 |
| Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids) | UT | 3,500 |
| Elite, Ltd.; Roger Kanne; James Pietig (Logan) | UT | 3,288 |
| HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley) | UT | 5,000 |
| Galva Union Elevator Co. (Galva) | UT | 3,100 |
| Farmers Hybrid Companies, Inc. (Hamilton Co.) | WW | 4,000 |
| New Hampton, City of | WW | 10,000 |
| Joseph L. Ranker; Daryl Hollingsworth (Indianola) | UT | 4,000 |
| Larry and Kelly Miller (Ogden) | UT | 2,000 |
| K-Mart Corporation/Store #7261 (Des Moines) | UT | 6,000 |
| R.D.J. Farms; Donald Vogt (Van Horne) | UT | 1,300 |
| Home Oil Stations; Otto-Matic; Larence Otto (Burlington) | UT | 3,000 |
| Winfield S. McKinney; Gary L. McKinney (Union Co.) | WW | 1,000 |
| Tom Wiseman (Sheffield) | UT | 3,500 |
| Village Oaks Homeowners Assn. (Blue Grass) | WS | 550 |
| Woodburn, City of | WS | 550 |
| Karl and Thelma Boylan d/b/a Boylan's Service (Northboro) | UT | 1,800 |
| Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford) | UT | 2,300 |
| William Jensen d/b/a B & B Tire & Oil Co. (Avoca) | UT | 2,300 |
| Riverview Estates (Iowa City) | WS | 275 |
| Crabtree Lake Resort (Rhodes) | WW | 5,400 |
| Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware) | UT | 2,300 |
| American Coals Corporation-Site #5 (Bussey) | SW/AQ | 10,000 |
| H.E.W., Inc. a/k/a Hazardous Environmental Wastes, Inc., a/k/a Algona Roofing & Insulation, Inc. (Algona) | AQ | 5,000 |
| Bankston, City of | WS | 550 |
| Wunschel Oil, et.al. (Ida Grove) | UT | 10,000 |
| Burke Marketing Corporation (Nevada) | WW | 5,000 |
| Chicago & North Western Transportation Co. (Clay Co.) | WW/SW | 10,000 |
| Jim Foust (Indianola) | SW | 2,175 |
| Titan Wheel International, Inc. (Walcott) | WW | 10,000 |
| Ronald Sizemore and Mark Murphy (Eldora) | UT | 3,200 |
| First United Methodist Church (Ft. Madison) | AQ | 10,000 |
| Mike Murphy d/b/a Hawley Heating & Air (Keokuk) | AQ | 10,000 |
| Boomsma's Egg, Inc. (Alden/Galt) | AQ | 10,000 |
| George Dolan (Northwood) | UT | 3,300 |
| Chuck Widner, Jr. d/b/a E.D.O., Inc. (Glidden) | AQ | 2,000 |
| Woodbury County Highway Department (Woodbury Co.) | UT | 4,000 |
| Keith Owens and Howard Maurer (Wilton) | UT | 3,100 |
| Tom Babinat d/b/a Tom's Car Care (Grundy Center) | UT | 3,600 |
| Welch Oil, Inc. (Williams) | UT | 10,000 |
| Richard Beckett (Villisca) | UT | 1,300 |
| Gilmore City-Bradgate Comm. School Dist. (Gilmore City) | AQ | 6,000 |
| Henry and Randy Krohn d/b/a Krohn Const. (Waukeg) | AQ/SW | 4,000 |
| James and Roxann Neneman; J & R Mini Mart (Council Bluffs) | UT | 3,900 |
| Simonsen Industries, Inc. (Cherokee Co.) | WW | 5,000 |
| Hubert Vote d/b/a Vote House Moving (Gilmore City) | AQ | 6,000 |
| Allan Brandhoij d/b/a Brandhoij Const. (Gilmore City) | AQ | 6,000 |
| Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque) | AQ | 6,000 |
| Richard Waugh d/b/a Dick's Apco Car Wash (Hampton) | UT | 885 |
| Sale-R-Villa Const., Inc. (Perry) | AQ | 10,000 |
| Woden-Crystal Lake Comm. School District (Crystal Lake) | AQ | 10,000 |
| Lehigh Portland Cement Co. (Mason City) | AQ | 10,000 |
| Otis Schultz d/b/a Schultz Oil Co. (Sac City) | UT | 2,200 |
| Dennis Malone & Joanne Malone (Morning Sun) | UT | 600 |
| Larry Royer (Guthrie Co.) | WW | 1,000 |
| Randy Ballard (Fayette Co.) | FP | 2,000 |
| Perry, City of | WW | 10,000 |
| Bacon Addition (Monticello) | WS | 375 |
| Riverview Manor (Scott Co.) | WS | 375 |
| Louisa Courts Mobile Home Park & Sales (Muscatine) | WS | 900 |
| Sioux City, City of | AQ | 10,000 |
| Dan Schwitters; Schwitters Enterprises (Cedar Rapids) | UT | 600 |
| Ferris Sullivan d/b/a Sullivan's Sinclair (Preston) | UT | 2,000 |
| Leonard Bormann (Preston) | UT | 2,000 |
| Economy Solar Corp.; Jeffery C. Intlekofer (Cedar Rapids) | AQ | 10,000 |
| Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F&F Metals (Lee Co.) | HC/WW | 10,000 |
| Marvin Rozenboom (Mahaska Co.) | SW | 3,000 |
| Keck, Inc. (Des Moines) | UT | 1,500 |
| Cumberland Ridge First Addition (North Liberty) | WS | 550 |
| West Side Unlimited Corp.; West Side Salvage (Benton Co.) | AQ/SW | 5,000 |
| Doolittle Oil Company, Inc. (Webster City) | UT | 6,500 |
| Dan Peterson d/b/a Peterson Backhoe (Dumont) | AQ | 3,000 |
| Earth Media Technologies, Inc. (Polk County) | SW | 3,000 |
| Allison-Bristow Community School District (Allison) | AQ | 5,000 |
| Allison Fire Dept.; Allison, City of | AQ | 5,000 |
| Pilot Oil Corporation (Walcott) | WW/UT | 5,000 |
| Leonard C. Page (Adams Co.) | SW | 3,000 |
| Mark Twain Meadows Assoc. (Muscatine) | WS | 900 |
| White Oaks Homeowners Assn. (Ankeny) | WS | 1,000 |
| Boyer Valley Company (Arion) | WW | 8,000 |
| Wilbur McNear; Gilbert Persinger (Smithland) | UT | 2,500 |
| Donald Krieger (Terrill) | UT | 600 |
| Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.) | WW | 3,000 |
| Rinehart Construction d/b/a North Dallas SLF (Boone Co.) | WW/SW | 10,000 |

Environmental Protection Commission Minutes

September 1995

| | | |
|--|-------|----------------|
| Wilbur McNear d/b/a McNear Oil Co. (Charter Oak) | UT | 2,000 |
| Maple Hill Country Club (Tripoli) | WS | 300 |
| Holiday Mobile Lodge, Inc. (Johnson Co.) | SW/AQ | 2,000 |
| Kellerton, City of | WS | 400 |
| Shell Rock Products, Inc. (Butler Co.) | SW/AQ | 10,000 |
| Woden, City of | WS | 500 |
| TOTAL | | 506,126 |

The following administrative penalties were paid last month:

| NAME/LOCATION | PROGRAM | AMOUNT |
|--|---------|--------------|
| Arlo Becker d/b/a Becker's Auto Salvage (Benton Co.) | AQ | 1,500 |
| Willey, City of | WS | 110 |
| Rayburn Court for Mobile Homes (Mason City) | WS | 375 |
| Twin View Heights (Solon) | WS | 150 |
| Springbrook Country Club (DeWitt) | WS | 1,000 |
| Farmers Hybrid Companies, Inc. (Humboldt Co.) | WW | 2,000 |
| Woodlyn Hills (Algona) | WS | 50 |
| Continental Grain Company (Mason City) | WS | 200 |
| TOTAL | | 5,285 |

The following penalties have been rescinded: \$1,000 penalty assessed to the City of Des Moines; \$1,000 penalty assessed to Van Dusen Airport Services (Des Moines).

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS September 1, 1995

| Name, Location and Region Number | Program | Alleged Violation | DNR Action | New or Updated Status | Date |
|--|-------------|--|------------------------------|---|--|
| AMPC Lytton (3) | Wastewater | Operational Violations | Referred to Attorney General | Referred | 8/10/94 |
| Achenbach, Mark Rockford (2) | Updated | Underground Tank | Order | Referred Petition Filed Consent Decree (Injunction) | 6/20/94 8/22/94 8/07/95 |
| Advanced Technologies Corp. Cedar Falls (1) | Air Quality | Asbestos | Referred to Attorney General | Referred Petition Filed Trial Date | 3/21/94 8/29/94 1/16/96 |
| American Asbestos Training Center, Ltd. Monticello (3) | Air Quality | Asbestos | Referred to Attorney General | Referred Petition Filed Trial Date | 3/21/94 8/29/94 9/18/95 |
| American Asbestos Training Center, Ltd. Cedar Rapids (1) | Air Quality | Asbestos | Referred to Attorney General | Referred Petition Filed Trial Date | 7/22/94 8/29/94 10/09/95 |
| Ampel Corporation Des Moines (5) | Air Quality | Construction Without Permit Permit Conditions | Referred to Attorney General | Referred Petition Filed Motion for Partial Summary Judgment DNR Motion to Disqualify Attorney Hearing Ruling/Defense Attorney Disqualified Trial Date | 12/20/93 2/21/94 9/02/94 10/18/94 11/18/94 12/06/94 11/13/95 |

September 1995

Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS September 1, 1995

| Name, Location and Region Number | Program | Alleged Violation | DNR Action | New or Updated Status | Date |
|--|---------------------------|--|---------------------------------|--|---|
| Bodwell, Robert Winterset (5) | Underground Tank | Site Assessment | Order/Penalty | Referred Petition Filed Trial Date | 2/21/94 7/21/94 7/11/95 |
| Des Moines, City of (5) v. IDNR | Updated Solid Waste | DNR Defendant | Defense | Petition Filed Application for Stay DNR Answer Oral Arguments Ruling | 1/18/94 1/18/94 2/08/94 5/24/95 8/08/95 |
| Dunkel, Paul L. Delaware Co. (1) | Solid Waste | Illegal Disposal | Order/Penalty | Referred | 6/19/95 |
| Economy Solar Corp. Ft. Madison (6) | Air Quality | Asbestos | Referred to Attorney General | Referred Petition Filed Trial Date | 3/21/94 8/29/94 8/14/95 |
| Economy Solar Corp. Waterloo (1) | Air Quality | Asbestos | Referred to Attorney General | Referred Petition Filed Trial Date | 3/21/94 8/29/94 7/16/96 |
| Economy Solar Corp. Cedar Rapids (1) | Air Quality | Asbestos | Referred to Attorney General | Referred Petition Filed Trial Date | 7/22/94 8/29/94 10/09/95 |
| Ervin, Don Webster County (2) | Solid Waste | Operation Without Permit | Order/Penalty | Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331) | 4/16/90 7/13/90 9/28/90 11/27/90 11/30/90 |
| | | Permit Violations | Referred to Attorney General | Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Partial Consent Decree Consent Decree (\$1,000,000/Civil) | 9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 1/10/95 5/30/95 |
| Giese, William Giese Construction Co. Ft. Dodge (2) | Flood Plain Wastewater | Unauth. Construction Prohibited Discharge | Referred to Attorney General | Referred Petition Filed Trial Date | 7/18/94 10/12/94 10/24/95 |
| Harrison County Board of Supervisors (4) | Solid Waste | Operating Violations | Referred to Attorney General | Referred Petition Filed | 2/21/94 7/11/94 |
| Huyser, James; Trust Trucking Lovilia (5) | Underground Tank | Site Assessment | Referred to Attorney General | Referred | 11/21/94 |
| Jarvis, Marjorie and Terry Strong Council Bluffs (4) | Underground Tank | Closure Investigation | Order | Referred Petition Filed | 11/15/93 2/14/94 |
| Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6) | Hazardous Condition | Remedial Action | Order/Penalty | Referred Petition Filed Partial Default Judgment (Injunction) | 2/17/92 12/21/92 10/11/94 |
| McCarty Creek Homeowners LeClaire (6) | Drinking Water | Monitoring/Reporting- Lead & Copper | Order/Penalty | Referred Petition Filed | 10/17/94 5/02/95 |
| Moore, Ron d/b/a 63-180 Cafe Malcom (5) | Drinking Water | Mtrg/Rprtg Nitrate; Other | Order/Penalty | Referred Payment Schedule (\$1,000/Admin.) Motion for Judgment | 11/16/92 4/02/93 6/30/94 |

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
September 1, 1995

September 1995

| Name, Location and Region Number | Program | Alleged Violation | DNR Action | New or Updated Status | Date |
|--|---------------------|--|---------------------------------|--|---|
| Northwood Cooperative Elevator, | Hazardous Condition | DNR Defendant | Defense | Suit Filed DNR Answer Consolidation Order 215.1 Order | 12/07/92 12/28/92 1/05/93 12/22/94 |
| Worth Co. Co-op Oil | | | | Suit Filed DNR Answer Consolidation Order 215.1 Order | 12/07/93 12/28/92 3/10/93 12/22/94 |
| Amoco | | | | Suit Filed DNR Answer Consolidation Order 215.1 Order | 12/15/92 1/04/93 3/10/93 12/22/94 |
| v. IDNR | | | | | |
| Rayburn Court for Mobile Homes Mason City (2) | Drinking Water | Monitoring/Reporting; Lead & Copper | Order/Penalty | Referred Petition Filed | 11/21/94 5/02/95 |
| Reed, Verna and Don; Andrea Silsby Union Co. (4) | Solid Waste | Illegal Disposal | Order/Penalty | Referred Petition Filed Default Judgment | 6/20/94 8/10/94 12/12/94 |
| Relative, Inc.; Doug Smuck Des Moines (5) | Underground Tank | Insurance Violation | Order/Penalty | Referred Petition Filed | 10/17/94 5/12/95 |
| Smith, Franklin; Smith Oil Company Mt. Ayr (5) | Underground Tank | Closure Investigation | Order/Penalty | Referred Petition Filed Trial Date | 4/18/94 7/25/94 5/16/95 |
| Waterloo Community School District Waterloo (1) | Air Quality | Asbestos | Referred to Attorney General | Referred Petition Filed Trial Date | 3/21/94 8/29/94 1/16/96 |
| Wunschel Oil Co.; Vernus, Jaquelyn & Mark Wunschel Ida Grove (3) | Tank | Underground Site Assessment | Order/Penalty | Referred | 1/17/95 |

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| 1-23-86 | Oelwein Soil Service | Administrative Order | WW | Murphy | Hearing continued; additional testing being done. |
| 2-05-88 | Warren County Brenton Bank | Administrative Order | UT | Wornson | Revised SCR submitted. |
| 10-20-88 | Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co. | Administrative Order | HC | Murphy | Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing continued. Stipulation of dismissal being prepared. |
| 6-08-89 | Shaver Road Investments | Site Registry | HW | Kennedy | Draft consent order under review. |
| 6-08-89 | Hawkeye Rubber Mfg. Co. | Site Registry | HW | Kennedy | Draft consent order under review. |
| 6-08-89 | Lehigh Portland Cement Co. | Site Registry | HW | Murphy | Hearing continued. Discovery initiated. |
| 6-22-89 | Chicago & Northwestern Transportation Co Hawkeye Land Co. Blue Chip Enterprises | Administrative Order | HC | Murphy | District court affirms Dept. - 4/23/93. Iowa Supreme Court decision 2/29/95. |
| 10-24-89 | Farmers Cooperative Elevator Association of Sheldon | Site Registry | HC | Kennedy | Settlement near. |
| 11-03-89 | Bridgestone/Firestone, Inc. | Site Registry | HC | Murphy | Hearing continued pending negotiations. |
| 5-08-90 | Texaco Inc./Chemplex Co. Site | Site Registry | HW | ----- | Settlement proposed. |

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| 5-14-90 | Alter Trading Corp. (Council Bluffs) | Administrative Order | SW | Kennedy | Negotiating before filing. |
| 6-20-90 | Des Moines, City of | NPDES Permit Cond. | WM | Hansen | EPD met with City to resolve appeal issues. Follow-up meeting to be held. |
| 7-02-90 | Keokuk Savings Bank and Trust Keokuk Coal Gas Site | Site Registry | NW | ----- | Hearing continued. |
| 7-30-90 | Key City Coal Gas Site; & Howard Pixler | Site Registry | NW | ----- | Decision appealed (Pixler). |
| 8-01-90 | J.I. Case Company | Site Registry | NW | Preziosi | Hearing continued. |
| 9-12-90 | Michael & Joyce Haws; George H. Gronau | Administrative Order | UT | Wornson | New party has assumed liability. Will dismiss case upon completion of SCR. |
| 10-15-90 | Westside General Store Corp. | Administrative Order | UT | Wornson | Negotiating settlement. |
| 12-03-90 | United States Gypsum Co. Smitty's Oil | Site Registry | HC | Preziosi | Negotiating before filing. |
| 12-27-90 | McAtee Tire Service, Inc. | Administrative Order | SW | Kennedy | Hearing continued. |
| 1-07-91 | Joe E. Eggers, Jr.; Joe and Mary Eggers | Administrative Order | SW | Kennedy | Hearing continued to further order. |
| 1-09-91 | Iowa Southern Utilities | Administrative Order | HC | Preziosi | Settled. |
| 1-28-91 | McDowell Dam #1 | Administrative Order | FP | Clark | Settlement close. |
| 5-20-91 | Great Rivers Coop--Lockridge | Site Registry | HC | Murphy | Settlement proposed. |
| 7-24-91 | Alter Trading Corp. (Davenport) | Administrative Order | SW | Kennedy | Negotiating before filing. |
| 9-25-91 | Archer Daniels Midland | Administrative Order | SW | Kennedy | Negotiating before filing. |
| 1-17-92 | Hickory Hollow Water Co. | Administrative Order | WS | Hansen | Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94. |
| 1-30-92 | Center Oil Co., Inc. | Administrative Order | HC | Murphy | Negotiating before filing. |
| 4-09-92 | Wayne Transports, Inc. | Administrative Order | WM | Murphy | Negotiating before filing. |
| 4-15-92 | Mulgrew Oil Co. | Administrative Order | HC | Wornson | Settlement letter sent 8/31/94. SCR initiated. |
| 4-24-92 | Charles A. Kerr | Administrative Order | UT | Wornson | Financial inability claimed. Warning letter sent 1/25/95. |
| 5-05-92 | Plymouth Cooperative Oil Co. | Administrative Order | WM | Murphy | Negotiating before filing. |
| 5-12-92 | Paris & Sons, Inc. | Site Registry | HC | Murphy | Negotiating before filing. |
| 5-15-92 | Heartland Lysine, Inc. | Tax Certification | AQ | Preziosi | Negotiating before filing. |
| 5-27-92 | Beckett Chevrolet-Olds | Administrative Order | UT | Wornson | Financial inability claimed. Claimant completing financial documents. |
| 6-23-92 | Chickasaw County Board of Supervisors, Chickasaw Co. SLF | Administrative Order | SW | Kennedy | Negotiating before filing. |
| 8-06-92 | Randy Bonin and Vickie Brannick | Administrative Order | SW | Kennedy | Negotiating before filing. |
| 8-24-92 | Dean Hoeness d/b/a Hoeness & Sons | Administrative Order | UT | Wornson | Financial inability claimed. Request documents. |
| 9-21-92 | ITWC | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 9-22-92 | King's Terrace MHP | Administrative Order | WM | Hansen | 8/94-Letter to facility regarding resolution of appeal. |
| 10-06-92 | Lloyd Decker | Administrative Order | SW | Kennedy | Hearing continued. |
| 11-13-92 | Tracy Below | Administrative Order | WM | Clark | Hearing continued. |
| 11-16-92 | Grand Laboratories Inc. | Administrative Order | WM | Hansen | Unacceptable revised work plan submitted. Request acceptable plan by 4/29/94. Letter from facility's attorney 4/94. 5/94 letter to F.O. 3 from company regarding submittal of site assessment. 10/94 letter to facility attorney regarding site assessment. 12/94 letter from attorney - new work plan submitted to F.O. 3. To be sent to DIA. Hearing set for 9/8/95. New site assessment under review by F.O. 3. |

E95Sep-54

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|--------------------|---|------------------------------|---------|-------------|---|
| 11-16-92 | Frank Hulshizer | Administrative Order | SW | Kennedy | Negotiating before filing. |
| 12-14-92 | Quantum | Permit Conditions | WW | Hansen | 3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data. Company response submitted 12/93. EPD to review information regarding permit calculations. |
| 1-22-93 | Pirelli Armstrong Tire Co. | Administrative Order | SW | Kennedy | Negotiating before filing. |
| 2-19-93 | TRS Industries, Inc.; City of Des Moines | Administrative Order | SW | Kennedy | Decision received 9/13/93. Appealed to EPC. Affirmed 12/20/93. Petition for judicial review. Decision received. |
| 3/09-93 | James, William d/b/a Bill James Agencies | Administrative Order | SW | Kennedy | Negotiating before filing. |
| 3/11/93 | Land Renu, Inc. | Administrative Order | SW | Wornson | Compliance complete. Negotiating penalty. |
| 4/05/93 | Mapleton, City of | WW Operator Certification | WW | Hansen | Under review by EPD - letter drafted. |
| 4/12/93 | LeMars, City of | Administrative Order | WW | Hansen | Plan of action submitted. Reviewed by EPD. Construction permit issued. 2/94-Schedule submitted by City for remaining construction. |
| 4/19/93 | Council Bluffs, City of | Permit Conditions | WW | Hansen | Under review by EPD. |
| 4/21/93 | Donald Udell | Administrative Order | SW | Kennedy | Negotiating before filing. |
| 4/26/93 | Crane Co. | Administrative Order | SW | Kennedy | Negotiating before filing. |
| 6/21/93 | Jacobs Energy Corp., Inc. | Permit Denial | AQ | Preziosi | Negotiating before filing. |
| 6/29/93 | Mel-Ray MHP and Sales | Administrative Order | WW | Clark | Negotiating before filing. |
| 7/06/93 7/28/93 | Dennis E. Good Berniece K. Neese | Administrative Order | UT | Wornson | Negotiating before filing. |
| 7/09/93 | Oakwood Park Water, Inc. | Administrative Order | WS | Hansen | Proposal by facility's attorney 7/13/93. Response by Dept. 8/3/93. Response by facility 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued 2/94. Facility to be installed by 11/30/94. |
| 7/20/93 | U.S. Dept. of Defense | Administrative Order | UT | Wornson | Settlement expected. |
| 7/23/93 | Blue Spruce Feedlots, Inc. | Administrative Order | WW | Clark | Negotiating before filing. |
| 8/24/93 | Green Valley Chemical | Permit Conditions | WW | Hansen | Company to do stream survey 8/94. Survey completed. Meeting to discuss survey 9/11/94. Survey being reviewed by EPD. |
| 9/09/93 | Ames Transit Authority | Permit Conditions | AQ | Preziosi | Negotiating before filing. |
| 10/15/93 | Bedford, City of | Plant Classification | WW | Hansen | Under review by EPD. |
| 11/15/93 | J.P. Scherrman, Inc. | Administrative Order | UT | Wornson | Penalty letter sent. |
| 11/16/93 | Iowa Southern Utilities | Permit Conditions | AQ | Preziosi | Settlement close. |
| 12/13/93 | Lester R. Davis and Evelyn McKelvogue | Administrative Order | AQ/SW | Kennedy | Settlement pending. |
| 12/23/93 | Waverly Gravel & Ready-Rix aka Shell Rock Sand and Gravel | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 1/03/94 | Farmers Hybrid Co., Inc. | Administrative Order | WW | Clark | Negotiating before filing. |
| 1/06/94 | L.F. Everett and Betty Everett | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 1/07/94 | Eli Shada | Administrative Order | UT | Wornson | Negotiating before filing. |
| 1/13/94 | James and Robert Brock d/b/a B & B Oil Co. | Administrative Order | UT | Wornson | Favorable ALJ decision. EPC affirmed. |
| 1/18/94 | M & D Tire Processing, Inc. | Administrative Order | SW | Kennedy | Settlement pending. |
| 1/19/94 | Cottage Reserve Corp. | Permit Conditions | WS | Clark | Settlement close. |
| 1/20/94 | Gene Phillips d/b/a Phillips Sanitation | Administrative Order | AQ | Preziosi | Negotiating before filing. |

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| 1/27/94 | Archer-Daniels-Midland | Permit Conditions | AQ | Preziosi | Negotiating before filing. |
| 2/02/94 | John Deere Waterloo Works | Tax Certification | WV | Hansen | Negotiating before filing. |
| 2/09/94 | Harold Lee | Administrative Order | WV | Clerk | Negotiating before filing. |
| 2/14/94 | Economy Solar Corp 94-AQ-04 | Administrative Order | AQ | Preziosi | Petition for judicial review of agency action filed. |
| 2/15/94 | Riverside Plating | Administrative Order | WV | Hansen | Settlement offer received from company regarding penalty. |
| 2/21/94 | Toys "R" Us | Administrative Order | UT | Wornson | Compliance initiated. Penalty appealed. |
| 2/25/94 | John Deere Waterloo Works | Administrative Order | AQ | Preziosi | Settlement close. |
| 2/28/94 | Coastal Mart Davenport | Administrative Order | UT | Wornson | Deficient SCR. Letter sent. Penalty on appeal. |
| 3/03/94 | Burlington Northern Railroad | Tax Certification | WV | Hansen | Negotiating before filing. |
| 3/08/94 | Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Karne; James Pietig (Logan) (Coon Rapids) | Administrative Order | UT | Wornson | All SCRs received- negotiating penalty. |
| 4/19/94 | Galva Union Elevator Co. | Administrative Order | UT | Wornson | Negotiating penalty. |
| 5/09/94 | Farmers Hybrid Co., Inc. | Administrative Order | WV | Clerk | Negotiating before filing. |
| 5/10/94 | Dennis Malone; Joanne Malone | Administrative Order | UT | Wornson | Negotiating before filing. |
| 5/27/94 | Joseph L. Ranker ; Darl Hollingsworth | Administrative Order | UT | Wornson | Demand letter before DIA referral. |
| 6/03/94 | Nequokete, City of | Administrative Order | WV | Hansen | 11/4/94 Construction permit issued to facility for new facility. Construction to begin immediately and be completed by summer of 1995. Construction of SBR units to be completed soon. |
| 6/08/94 | Larry & Kelly Miller | Administrative Order | UT | Wornson | Compliance initiated. |
| 6/14/94 | K-Mart Corp./Store #7261 | Administrative Order | UT | Wornson | Compliance initiated. |
| 6/15/94 | Winfield Scott McKinney; Gary L. McKinney d/b/a Harmony Creek Farms | Administrative Order | WV | Hansen | Settlement agreement signed. |
| 6/15/94 | Lakeview Heights | Permit Conditions | WS | Hansen | Facility proposal under review by WS. |
| 6/20/94 | R.D.J. Farms and Donald Vogt | Administrative Order | UT | Wornson | Compliance initiated. |
| 6/24/94 | Griffith Oil Corp. | Administrative Order | UT | Wornson | Compliance initiated. |
| 6/24/94 | Larence Otto | Administrative Order | UT | Wornson | Compliance initiated. |
| 7/07/94 | Rose Bar Tire Shredding | Administrative Order | SV | Kennedy | In bankruptcy. |
| 7/12/94 | Woodlyn Hills | Administrative Order | WS | Hansen | Penalty paid. Closed. |
| 7/12/94 | Tom Wiseman | Administrative Order | UT | Wornson | New case. Appeal untimely. |
| 7/15/94 | Village Oaks Homeowners | Administrative Order | WS | Hansen | Negotiating before filing. |
| 7/21/94 | Hickory Hills Subdivision | Administrative Order | WS | Hansen | 3/95 letter to facility regarding appeal. 7/95 follow-up letter to facility. |
| 7/25/94 | Kesslers Homeowners Assn. | Administrative Order | WS | Clerk | Settled. |
| 7/25/94 | ACC Chemical Co. Getty Chemical Co. | Permit Conditions | WV | Hansen | Hearing continued to 10/23/95. Sending settlement negotiations. |
| 7/27/94 | Twin View Heights 5282301 | Administrative Order | WS | Hansen | 11/14/94 Letter to facility regarding settlement. 12/94 Response from facility - working toward compliance. 7/26/95 facility in compliance. Dept. offer to reduce penalty. |
| 8/12/94 | Karl and Thelma Boylan d/b/a Boylan's Service | Administrative Order | UT | Wornson | Negotiating settlement. |
| 8/18/94 | Thomas Scheetz d/b/a The Depot Food & Fuel | Administrative Order | UT | Wornson | Compliance initiated. |
| 8/29/94 | Atlantic, City of | Administrative Order | WV | Hansen | Under review by EPD. |

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| 8/29/94 | B and B Tire and Oil | Administrative Order | UT | Wornson | Negotiating before filing. |
| 8/30/94 | MWH Corporation | Permit Denial | AQ | Preziosi | Negotiating before filing. |
| 9/01/94 | Elmer R. Faust d/b/a Faust Garage & Grocery | Administrative Order | UT | Wornson | Compliance initiated. |
| 9/02/94 | Crabtree Lake Resort | Administrative Order | WV | Hansen | Compliance with AO initiated. |
| 9/02/94 | Jay Anderberg; Diane McKellip | Administrative Order | UT | Wornson | Proposed decision appealed. To EPC 6/19/95. EPC affirmed 6/19/95. Closed. |
| 9/06/94 | HEV, Inc. | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 9/09/94 | American Coals Corp. | Administrative Order | SW/AQ | Kennedy | Bankruptcy filed. |
| 9/15/94 | Bankston | Administrative Order | VS | Hansen | 1/95-Information from City. Compliance initiated. |
| 9/16/94 | Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove) | Administrative Order | UT | Wornson | Consent order. SCR received. |
| 9/19/94 | Burke Marketing Corp. | Administrative Order | WV | Hansen | Hearing continued to 9/25/95 to discuss settlement. |
| 9/23/94 | Chicago and Northwestern Transportation Co. | Administrative Order | SW/WV | Murphy | Negotiating before filing. |
| 9/26/94 | James D. Faust | Administrative Order | SV | Kennedy | Negotiating before filing. |
| 10/07/94 | Titan Wheel International | Administrative Order | WV | Hansen | Revised BMR report submitted/reviewed by WV Permits. |
| 10/17/94 | First United Methodist Church | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 10/19/94 | Ronald Sizemore; Mark Murphy | Administrative Order | UT | Wornson | Negotiating before filing. |
| 10/25/94 | Hike Murphy d/b/a Hawley Heating & Air | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 10/26/94 | Boomsma's Inc. | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 10/27/94 | George Dolan | Administrative Order | UT | Wornson | Negotiating before filing. |
| 10/27/94 | Chuck Winder d/b/a E.D.O., Inc. | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 10/31/94 | Woodbury Co. Highway Dept. | Administrative Order | UT | Wornson | Negotiating before filing. |
| 10/31/94 | Keith Owens; Howard Maurer | Administrative Order | UT | Wornson | Briefs submitted. Awaiting decision. |
| 11/02/94 | Richard Waugh | Administrative Order | UT | Wornson | Compliance/negotiating penalty. |
| 11/07/94 | Jerry Smith; Norma S. Nelson | Permit Issuance | FP | Clark | Hearing held 7/25/95. |
| 11/10/94 | Williams Pipeline Company | Permit Denial | AQ | Preziosi | Negotiating before filing. |
| 11/14/94 | Tom Babinat d/b/a Tom's Car Care | Administrative Order | UT | Wornson | Negotiating before filing. |
| 11/23/94 | Walnut Acres Campground; Fred and Fran Iben | Permit Issuance | FP | Clark | Negotiating before filing. |
| 11/28/94 | Richard Beckett | Administrative Order | UT | Wornson | Negotiating before filing. |
| 11/30/94 | Welch Oil, Inc. | Administrative Order | UT | Wornson | Appeal set for October EPC meeting. |
| 12/14/94 | Campbell Clean-Up Service | Permit Denial | AQ | Preziosi | Negotiating before filing. |
| 1/10/95 | Steamboat Rock | Administrative Order | VS | Hansen | 2/95-Settlement offer by City and response by Dept. 4/95 - Dept. letter to City regarding settlement. 5/95 - Construction approved by VS section for chlorination equipment. |
| 1/11/95 | Henry and Randy Krohn d/b/a Krohn Construction | Administrative Order | AQ/SW | Kennedy | Negotiating before filing. |
| 1/13/95 | Gilmore City-Bradgate Community School District | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 1/13/95 | James and Roxann Menemon | Administrative Order | UT | Wornson | Inability to pay. Forms sent. |

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| 1/13/95 | Simonsen Industries, Inc. | Administrative Order | WW | Hansen | 2/28/95-Submittal by facility's engineer regarding land application of sludge. |
| 1/20/95 | Hubert Vote d/b/a Vote House Moving | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 1/20/95 | Allen Brandhoij d/b/a Brandhoij Construction | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 2/07/95 | Michael J. Reding | Administrative Order | WW | Clark | Settled. |
| 2/14/95 | Dennis Sharkey d/b/a Sharkey's Building Wrecking | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 2/23/95 | Woden-Crystal Lake Community School District | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 2/23/95 | Lehigh Portland Cement | Permit Conditions | WW | Hansen | Negotiating before filing. |
| 2/27/95 | Sale-R-Villa Construction | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 3/23/95 | Lehigh Portland Cement | Administrative Order | AQ | Preziosi | Settled. |
| 3/23/95 | American Coals Corp. | Administrative Order | SW | Kennedy | Negotiating before filing. |
| 4/13/95 | The Weitz Corp.; Barton Solvents, Inc. | Administrative Order | HC | Kennedy | Negotiating before filing. |
| 4/19/95 | Otis Schultz d/b/a Schultz Oil Co. | Administrative Order | UT | Wornson | Negotiating before filing. |
| 4/21/95 | Randy Ballard | Administrative Order | FP | Clark | Negotiating before filing. |
| 4/26/95 | Larry Royer | Administrative Order | WW | Clark | Negotiating before filing. |
| 4/26/95 | Central Iowa Power Cooperative (CIPCO) | Permit Conditions | SW | Kennedy | Negotiating before filing. |
| 4/28/95 | Perry, City of | Administrative Order | WW | Hansen | Hearing set for 10/26/95. |
| 5/01/95 | Central Iowa Power Cooperative | Permit Conditions | SW | Kennedy | Settlement pending. |
| 5/03/95 | Bacon Addition Homeowners Assn. | Administrative Order | WS | Clark | Negotiating before filing. |
| 5/04/95 | M & W Mobile Home Park | Administrative Order | WW | Kennedy | Negotiating before filing. |
| 5/05/95 | C & O Recycling Enterprises; Douglas W. Owen | Permit Denial | AQ | Preziosi | Negotiating before filing. |
| 5/08/95 | Riverview Manor | Administrative Order | WS | Clark | Negotiating before filing. |
| 5/09/95 | Louisa Courts | Administrative Order | WS | Hansen | Dept. letter. Facility working towards compliance. |
| 5/10/95 | Boone County Humane Society | Permit Denial | AQ | Preziosi | Settlement meeting 9/8/95. |
| 5/19/95 | Sioux City, City of | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 5/23/95 | Leonard Bormann | Administrative Order | UT | Wornson | Negotiating before filing. |
| 5/25/95 | Ferris Sullivan d/b/a Sullivan's Sinclair | Administrative Order | UT | Wornson | Negotiating before filing. |
| 5/25/95 | Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals | Administrative Order | HC/WW | Kennedy | Negotiating before filing. |
| 5/25/95 | E.I. DuPont DeNemours (95-A-133) | Permit Conditions | AQ | Preziosi | Hearing set for 10/12/95. |
| 5/30/95 | Marvin Rozenboom | Administrative Order | SW | Kennedy | Settlement pending. |
| 5/30/95 | Economy Solar Corp.; Jeffrey C. Intlekofer (95-AQ-14) | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 5/30/95 | Earth Media Technologies | Administrative Order | SW | Kennedy | Negotiating before filing. |
| 5/31/95 | E.I. DuPont DeNemours (91-A-266 thru 91-A-269) | Permit Conditions | AQ | Preziosi | Negotiating before filing. |
| 6/05/95 | West Side Unlimited Corp. | Administrative Order | AQ/SW | Kennedy | Negotiating before filing. |
| 6/05/95 | Keck, Inc. | Administrative Order | UT | Wornson | Negotiating before filing. |
| 6/06/95 | Doolittle Oil Co., Inc. | Administrative Order | UT | Wornson | Negotiating before filing. |

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| 6/07/95 | Cumberland Ridge Homeowners | Administrative Order | WS | Kennedy | Negotiating before filing. |
| 6/09/95 | Don Peterson d/b/a Peterson Backhoe | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 6/12/95 | North Brady Animal Hospital | Permit Denial | AQ | Preziosi | Settlement meeting 9/8/95. |
| 6/14/95 | Salsbury Chemicals | Permit Conditions | WV | Hansen | Negotiating before filing. |
| 6/16/95 | Allison-Bristow Community School | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 6/16/95 | Allison Fire Department; City of Allison | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 6/16/95 | Pilot Oil Corporation | Administrative Order | WV/UT | Murphy | Negotiating before filing. |
| 6/20/95 | Toledo, City of | Permit Conditions | WV | Hansen | Negotiating before filing. |
| 6/23/95 | Leonard C. Page | Administrative Order | SW | Kennedy | Negotiating before filing. |
| 6/29/95 | White Oaks Homeowners Assn. | Administrative Order | WS | Hansen | Negotiating before filing. |
| 7/05/95 | Boyer Valley Co. | Administrative Order | WV | Hansen | Negotiating before filing. |
| 7/10/95 | Donald Krieger | Administrative Order | UT | Wornson | Negotiating before filing. |
| 7/10/95 | Gilbert Persinger | Administrative Order | UT | Wornson | Negotiating before filing. |
| 7/13/95 | Organic Technologies Corp. | Administrative Order | SW | Kennedy | Negotiating before filing. |
| 7/27/95 | Rinehart Construction d/b/a North Dallas Sanitary Landfill | Administrative Order | WV/SW | Kennedy | Negotiating before filing. |
| 7/28/95 | Harold T. Knott; James C. Knott | Administrative Order | UT | Wornson | Negotiating before filing. |
| 8/01/95 | Wilbur McNear d/b/a McNear Oil Co. | Administrative Order | UT | Wornson | New case. |
| 8/02/95 | Hopie Hills Country Club | Administrative Order | WS | Hansen | New case. |
| 8/18/95 | Holiday Mobile Lodge, Inc. | Administrative Order | AQ/SW | Kennedy | New case. |
| 8/18/95 | Redmond Enterprises, Inc. | Administrative Order | UT | Wornson | New case. |
| 8/23/95 | Kellerton, City of | Administrative Order | WS | Clark | New case. |
| 8/24/95 | Shell Rock Products, Inc. | Administrative Order | AQ/SW | Kennedy | New case. |
| 8/24/95 | Woden, City of | Administrative Order | WS | Hansen | New case. |
| 8/29/95 | Iowa City, City of | Administrative Order | WV | Hansen | New case. |
| 8/30/95 | Sun Valley Iowa Lake Assoc. | Permit Renewal | WR | Clark | New case. |
| 8/31/95 | Bosson's Quasky Mart | Administrative Order | WS | Hansen | New case. |

Mr. Stokes stated that in relation to the rulemaking report, the UST-TAC proposed rules will be mailed to the Commission shortly after the UST-TAC Committee's meeting on Friday. He related that the Commission will be asked to approve a Notice of Intended Action on these rules at the October meeting and that is why they will be mailed prior to the normal agenda packet.

Director Wilson, in light of the earlier discussion today on Emergency Rules, asked to discuss that possibility for the UST-TAC rules.

Mr. Stokes stated that the Commission has the option to emergency adopt the UST tank rules and then go out to formal notice.

Scott Young, member of the UST-TAC Committee, stated that the sooner the rules become effective, the better. He related that it would be good to adopt them as soon as possible.

Chairperson King asked if the department has a timeline on these rules.

Director Wilson indicated that the deadline to have the Notice of Intended Action published is November 15, 1995, and the Code states that the draft rules and report must be to the Commission by October 15. He related that the Commission needs to adopt the rules at their next meeting and the department will request emergency adoption.

Mr. Young expanded on owner/operator responsibilities in regard to site clean up reports.

Discussion followed regarding RBCA training of groundwater professionals and DNR staff.

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1996 ENVIRONMENTAL MONITORING AND LABORATORY SERVICES AGREEMENT WITH THE UNIVERSITY OF IOWA UHL

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for the FFY 1996 Agreement with the University of Iowa's Hygienic Laboratory (UHL) for environmental monitoring and laboratory services. The agreement includes air quality monitoring and reporting; water quality monitoring (ambient and compliance); fish tissue analysis; water supply analysis and reporting; and provisions for analytical work related to the underground storage tank and uncontrolled sites programs. The proposed 1996 agreement is essentially a continuation of the 1995 agreement with the addition

of stack emission testing. Under this activity, UHL will supply four trained employees to perform emission testing services for DNR.

The amount of the agreement is estimated at \$931,125. Attached is a summary of the projected costs broken down by program areas. The agreement amount reflects UHL's best estimate of their actual costs plus the University's indirect cost rate. The funds for the agreement will come from various EPA grants as well as fees paid to the Department under the Department's air quality and water supply programs. Iowa Code §455B.103 requires the Department to contract with state public agencies for these services unless the required services cannot be provided by those agencies.

ESTIMATED AGREEMENT BUDGET

| TASK DESCRIPTION | FIXED PAYMENT AGREEMENT AMOUNT * | VARIABLE PAYMENT AGREEMENT ESTIMATE ** | ONE TIME AGREEMENT AMOUNT*** |
|--|---|---|------------------------------------|
| Air Quality Monitoring | | | |
| Staff | 144,512 | | |
| Ambient Monitor Operation and Expenses | | 63,718 | |
| Smoke School Classroom | | | 5,000 |
| Asbestos - Sampling | | 11,600 | |
| Stack Emissions Monitoring | 210,000 | | |
| Subtotal | 354,512 | 75,318 | 5,000 |
| Water Quality Monitoring | | | |
| Fixed Monitoring -Monthly | 94,780 | | |
| Fixed Monitoring -Quarterly | 23,300 | | |
| Compliance Sampling Inspections (CSI) | 64,083 | | |
| Field Support Sample Analysis | 64,116 | | |
| Fish Kill Sample Analysis | | 1,000 | |
| Emergency Response | 26,125 | | |
| Fish Tissue Monitoring | | 1,000 | |
| Ecoregion/Biocriteria Stream Sampling | | 65,000 | |
| Storm Water Runoff Sampling | | 5,000 | |
| Subtotal | 272,344.00 | 72,000 | |
| Water Supply Monitoring | | | |
| Primary drinking water monitoring | | 3,100 | |
| SOC and pesticide monitoring | | 1,200 | |
| Unscheduled investigations | | 1,200 | |
| Reporting UHL analytical data | 33,765 | | |
| Reporting non-UHL analytical data | 27,626 | | |
| Subtotal | 61,391 | 5,500 | |

| | | | |
|--|---------|---------|-------|
| Leaking Underground Storage Tanks | | 20,000 | |
| Waste Monitoring | | 65,000 | |
| Total of Columns | 688,307 | 237,818 | 5,000 |
| Total Estimated Agreement Amount | 931,125 | | |

* The amounts in this column are fixed amounts and will be billed quarterly.

** The amounts in this column are to be billed to the Department monthly or quarterly as accrued. The total amount billed may be less as these are maximum amounts.

*** The amount in this column will be billed to the Department when the activity is completed.

Mr. Stokes presented details of the service agreement.

Motion was made by Verlon Britt to approve the 1996 Environmental Monitoring and Laboratory Services Agreement with University of Iowa UHL. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

AGREEMENT WITH UHL - IOWA TOTAL COLIFORM RULE COMPLIANCE ASSURANCE PROJECT

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for an Agreement with the University of Iowa's Hygienic Laboratory (UHL) for the Total Coliform Rule Compliance Assurance Project. The project will begin October 1, 1995 and end December 31, 1996. The objective of the project is to improve monitoring compliance with the total coliform rule by small water systems (systems serving less than 500 persons). The total amount of the agreement is \$50,000.

The agreement is with the University of Iowa Hygienic Laboratory. The Iowa Rural Water Association will be a subcontractor. The Iowa Rural Water Association (IRWA), the rural water association members, and the IRWA Circuit Riders will be mentors providing assistance and serving as a resource for information and guidance on monitoring schedules, proper sampling techniques, proper sample shipping procedures, resampling and record keeping. The project is designed to be a low input(staff resource) approach to improving compliance by those systems which historically have had a majority of the violations. Project highlights include:

- The UHL will provide overall coordination of the project and will develop and mail informational material to the public water supplies.
- The IRWA will carryout the day to day task of the project, track the contact made and prepare a final report on the project.
- Rural water associations will act as telephone mentors and provide technical advise and information within their water service areas.
- Professional Circuit Riders employed by IRWA will cover portions of Iowa not served by Rural water systems mentors.
- Circuit Riders and rural water associations will provide reminders to PWS to do Total Coliform Rule water sampling.
- When needed, Circuit Riders will also provide on-site technical assistance.

This demonstration project is fully funded by the Environmental Protection Agency.

Mr. Stokes briefly explained the agreement.

Motion was made by Gary Priebe to approve the Agreement with UHL - Iowa Total Coliform Rule Compliance Assurance Project. Seconded by Terranc Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

SECTION 319 NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for 20 contracts with the Division of Soil Conservation (DSC), Iowa Department of Agriculture and Land Stewardship for nonpoint source (NPS) pollution control projects. The contracts are for FFY96 activities of multi-year NPS projects. Funds for the contracts will be from EPA Section 319 grants awarded to the Department specifically for these projects. Many of the projects are being carried out using a combination of Section 319 funds and other funds such as the DSC's Water Protection Fund.

The contract amounts, project descriptions and activities supported with Section 319 funds are provided below.

Lake Protection and Improvement Projects

The following are projects to protect and improve the water quality of the ten listed lakes. Protection of the lakes will be accomplished by reducing sedimentation from erosion of cropland and streambanks and nutrient loading from commercial fertilizer and animal waste in the lake watersheds. Contract funds will be used to support project coordinators or other project staff and to provide financial incentives for best management practices including nutrient and pest

management programs, grassed waterways, grass/tree filter strips, wetland restoration, sediment basins, contour farming, pasture and hayland management, and critical area plantings.

- Beeds Lake Water Quality, Franklin County, \$57,000
- Centerville City Reservoir Protection Project, Appanoose County, \$105,500
- Lake Keomah Project, Mahaska County, \$30,000
- Pine Creek (Upper and Lower Pine Lakes) Water Quality Project, Grundy and Hardin Counties, \$95,000
- Iowa Great Lakes Protection Project, Dickinson County, \$45,000
- Ingham/High Lake Complex Water Quality Project, Emmet County, \$103,000
- Clear Lake Enhancement and Restoration Project, Cerro Gordo and Hancock Counties, \$81,000
- Pahoja Lake Water Quality Project, Lyon County, \$38,000
- Lucas County Lakes Water Quality Project, Lucas County, \$30,000
- Storm Lake Water Quality Protection Project, Buena Vista County, \$59,000

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Carroll County Livestock Pollution Abatement, Carroll County, \$48,000

The project will protect and improve the surface and groundwater resources of Carroll County by reducing the movement of animal waste from open feedlots and animal confinement operations to these waters. This will be accomplished by working with area livestock producers to develop and upgrade animal waste management systems and to utilize these systems as project demonstration sites. Technical assistance concerning animal waste management practices will be provided to livestock producers and pertinent training in the design and management of waste management systems will be provided to project personnel and other interested parties. Contract funds will support a staff position to work with the Carroll County SWCD and NRCS in carrying out the project.

Upper Big Mill Creek Watershed Project, Jackson County, \$43,000

The project will protect and improve the water quality of Upper Big Mill Creek by reducing sedimentation from soil erosion and nutrient loading from animal wastes and commercial fertilizers within the Upper Big Mill watershed. Best management practices to accomplish this will include stream bank stabilization, sinkhole and spring protection, nutrient and pest management, no-till farming, and grazing management. Contract funds will be used to hire a project coordinator and to provide cost-share incentives for implementing BMPs.

Cedar Rapids Area Urban Water Quality Project, Linn County, \$27,000

The project will demonstrate the effectiveness and technical and economic feasibility of construction site erosion control practices to developers, general contractors, government officials, engineers and Realtors. Construction site BMPs that meet or exceed the minimum requirements for stormwater runoff protection required by the National Pollutant Discharge Elimination System (NPDES) permits will be installed on construction sites in Linn County and these sites will subsequently be used as project demonstration sites. Additionally, a model erosion control ordinance will be developed for use by local governments.

Demonstration and Evaluation of BMPs in Southern Iowa Pastures Along Riparian Areas on Warm-Water Streams, \$31,000

This project will determine the impacts of grazing on the physical, chemical, and biological characteristics of warm water stream corridors and assist southern Iowa producers in realizing the economic benefits of improved forage and herd management. This project will be conducted in NRCS Administrative Area 5, which consists of 16 counties located in south-central Iowa. Contract funds will be used for the monitoring and evaluation of changes in the stream corridor following implementation of BMPs, development of a demonstration and public information program, and a project coordinator (½ FTE).

Johnson County - Urban Frontier: Progress through Education, \$43,500

The project will provide training and information to contractors, developers, Realtors, construction engineers and landscapers on construction site erosion control practices that meet or exceed applicable federal (NPDES), state, and local construction site erosion control requirements. Practices to be demonstrated must be economically feasible, protect water quality, and enhance the value of the finished construction site. Additionally, the project will implement a construction site planning education program to educate the general public about construction site planning and land development.

Polk County- Des Moines Metro Area Urban Water Quality Project, \$47,000

The project will provide training to Des Moines area developers, contractors, builder, engineers, city inspectors, and IDNR staff in the proper application of construction site erosion control practices that meet or exceed sediment control requirements of the National Pollution Control Discharge Standards (NPDES) as mandated by the Clean Water Act. Total erosion control and stormwater management will be demonstrated at six locations in the metro area and the project will facilitate revision of the Des Moines Area Metro Standards for construction site erosion control. Contract funds will provide for a project coordinator and program administration.

Clayton County - Sny Magill Creek Water Quality Protection Project, \$32,000

The project will promote the application of agricultural best management practices(BMPs) in the Sny Magill watershed to reduce sediment, agricultural nutrients, pesticides and animal manure reaching Sny Magill Creek, a cold water trout stream. Project activities include construction of animal waste management structures, a nutrient and pest management program, and a streambank stabilization demonstration. Contract funds will be used for a project coordinator and for BMP financial incentives.

Allamakee County - Little Paint Creek Water Quality Protection Project, \$34,000

The project will reduce sediments, nutrients and pesticides entering Little Paint Creek, a cold water trout stream, by implementing animal waste management controls and pasture management within the watershed. Contract funds will be used for a project coordinator (½ FTE) and for cost-share incentives for the implementation of animal waste controls and pasture management.

Delaware County - Spring Branch Creek Water Quality Protection Project, \$59,000

The project will protect and improve the water quality of Spring Branch Creek by reducing sediment, nutrients, and pesticides entering the stream. This will be accomplished by implementing agricultural best management practices (BMPs) in the watershed. Spring Branch Creek is a spring fed cold water stream that is also the water supply for the state fish hatchery and is managed by IDNR as a put-and-take trout stream. High concentrations of ammonia and nitrate have been detected in the spring and in 1988 a fish kill occurred that was attributed to manure runoff. Contract funds will be used for a project coordinator ($\frac{3}{4}$ FTE) and to provide cost share incentives for implementing agricultural BMPs.

Howard County - Bigalk Creek Cold Creek Water Protection Project, \$82,000

The project will protect and improve the water quality of Bigalk Creek in Howard County by reducing sediment and nutrient (phosphorus and nitrogen) delivery to the creek through a nutrient and pesticide management education program and by implementing a variety of best management practices (BMPs) including grade stabilization structures, stream corridor fencing, streambank protection, alternative watering systems, and manure and grazing management. Contract funds will be used for a project coordinator ($\frac{1}{2}$ FTE) and to provide financial incentives for BMP implementation.

Mr. Stokes briefly reviewed the projects.

Kathryn Draeger asked if it is the department's decision that money can only be used for the SCS and DALs.

Mr. Stokes explained that staff sends out an RFP soliciting for the projects and either private or public can apply. He noted that generally the money channels through DSC because they are putting dollars into it as well, but public or private can apply.

Motion was made by Kathryn Murphy to approve the Section 319 Nonpoint Source Pollution Control Project Contracts as presented. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

EMERGENCY ADOPTED RULE--CHAPTERS 60 AND 62, EFFLUENT AND PRETREATMENT STANDARDS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The commission is asked to approve revisions to Chapters 60, and 62 of the rules. Chapter 60 of the rules provides general definitions of terms used elsewhere in the rules and rules of practice, including forms, applicable to the departments administration of the wastewater program.

Chapter 62 adopts, by reference, the federal effluent and pretreatment standards applicable to industrial dischargers.

The purpose of this rulemaking is to update references in rules 62.4 (455B) and 62.5 (455B) to federal effluent and pretreatment standards which need to be changed to remain current with federal regulations. The change to rule 60.2 (455B) is to update the definition of "Act" to include amendments to the Water Pollution Control Act through July 1, 1995.

The commission is being asked to adopt these rules without public notice and participation. Adoption of federal effluent and pretreatment standards by reference, without public notice, is specifically provided for by rule 62.2 (455B) and Iowa Code section 17A.4(1). Because the commission must adopt effluent and pretreatment standards at least as stringent as the federal standards in order to have EPA approval of the NPDES program, and the Iowa Code section 455B.173(3) prohibits the commission from adopting standards more stringent than the federal standards, public participation in this rulemaking is unnecessary.

ENVIRONMENTAL PROTECTION COMMISSION Adopted and Filed Without Notice

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission amends Chapter 60, "Scope of Title - Definitions - Forms - Rules of Practice," and Chapter 62, "Effluent and Pretreatment Standards: Other Effluent Limits or Prohibitions," Iowa Administrative Code.

The purpose of this rule making is to update references in rules 62.4(455B) and 62.5(455B) to federal effluent and pretreatment standards found in 40 Code of Federal Regulations (CFR) which need to be changed due to federal amendments and revisions to 40 CFR. The change to rule 60.2(455B) is to update the definition of "Act" to include amendments to the Water Pollution Control Act through July 1, 1995.

In accordance with Iowa Code section 17A.4(2), the Commission finds that notice and public participation are unnecessary. Under rule 62.2(455B) the Commission has determined previously that good cause exists for exempting from the notice and public participation requirements of Iowa Code section 17A.4(1) the adoption by reference of certain federal effluent and pretreatment standards. The Commission found that public participation is unnecessary since the Commission must adopt effluent and pretreatment standards at least as stringent as the enumerated promulgated federal standards in order to have continued approval of the Environmental Protection Agency of the Department's NPDES program. Iowa Code section 455B.173(3) requires that the effluent and pretreatment standards adopted by the Commission not be more stringent than the enumerated promulgated federal standards.

The Commission adopted these amendments on September 18, 1995. These amendments will become effective on November 15, 1995.

These amendments may have an impact upon small businesses.

These amendments are intended to implement Iowa Code chapter 455B, division III, part 1.

The following amendments are adopted:

ITEM 1. Amend rule 567--60.2 (455B), definition of "Act," to read as follows:

"Act" means the Federal Water Pollution Control Act as amended through July 1, 1994 1995 33 U.S.C. §1251 et seq.

ITEM 2. Amend rule 567--62.4(455B) to read as follows:

567--62.4(455B) Federal effluent and pretreatment standards. The federal standards, 40 Code of Federal Regulations (CFR), revised as of July 1, 1994 1995, are applicable to the following categories:

ITEM 3. Amend rule 567--62.5(455B) to read as follows:

567--62.5(455B) Federal toxic effluent standards. The following is adopted by reference: 40 CFR part 129, revised as of July 1, 1994 1995.

Date

Larry J Wilson, Director

Mr. Stokes reviewed the proposed rules in detail.

Motion was made by Gary Priebe to approve Emergency Adopted Rule--Chapters 60 and 62, Effluent and Pretreatment Standards. Seconded by Kathryn Draeger. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE--CHAPTER 83, LABORATORY CERTIFICATION

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department is proposing a new Chapter 83 which will replace in its entirety Chapter 42 pertaining to requirements for the laboratory certification program. Chapter 63 will be revised to

require that laboratories performing analyses of samples for the wastewater program be certified, and references to Chapter 42 elsewhere in the rules will be changed to reflect the new chapter designation.

The purpose of this rulemaking is to further implement Code of Iowa sections 455B.113 and 455B.114 which require laboratories that perform analyses of samples required to be submitted to the department to be certified. A certification program has already been implemented for laboratories analyzing samples for the water supply and underground storage tank programs. This rulemaking will extend the certification program to include procedures for the certification of laboratories analyzing samples for the departments wastewater program. No substantive changes to the certification requirements for laboratories that analyze samples for the water supply or underground storage tank programs are proposed.

Chapter 63 of the rules defines monitoring, analytical and reporting requirements applicable to the departments wastewater program. Proposed changes to this chapter will include a requirement that laboratories be certified in accordance with Chapter 83 to perform analyses of wastewater, groundwater or sewage sludge samples which are required to be submitted to the department. This chapter will also adopt, by reference, EPA approved test methods specified in 40 CFR part 136.3 and require that these approved methods be utilized for analyses of all wastewater samples required to be submitted to the department.

(A copy of the proposed rule and a Manual for the Certification of Laboratories Analyzing Environmental Samples for the IDNR is on file in the department's Records Center)

Mr. Stokes reviewed details of the proposed rules and accompanying manual.

Brief discussion followed.

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PROPOSED RULE--CHAPTER 22, NEW SOURCE REVIEW - SO₂ NONATTAINMENT AREAS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached is a draft Notice of Intended Action which proposes to amend Chapter 22, "Controlling Pollution," Iowa Administrative Code. The purpose of these amendments is to make the department's New Source Review rules regarding Sulfur dioxide (SO₂) nonattainment areas conform with changes made by the Clean Air Act Amendments of 1990.

This notice is included in the agenda for the Commission's information only at this time. The Commission will be asked to approve a Notice of intended Action to begin formal Rule-making on these proposed rules at their October meeting..

ENVIRONMENTAL PROTECTION COMMISSION [567]**Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution," 567 Iowa Administrative Code.

The purpose of these amendments is to make the department's New Source Review rules regarding sulfur dioxide (SO₂) nonattainment areas conform with changes made by the Clean Air Act Amendments of 1990.

Subrule 22.5(2), "Emission offset applicability," is revised by changing the title to "Applicability" and establishing the applicability of rule 22.5 in general terms. New paragraphs 22.5(2)"a" and "b" are added outlining when the requirements of the rule apply. Former paragraph 22.5(2)"a," "Particulate matter nonattainment areas," is renumbered 22.5(2)"c," and retitled "Particulate matter." Paragraph 22.5(2)"b" is renumbered 22.5(2)"d" and the title is modified and a new introductory paragraph is inserted. Former paragraph 22.5(2) "c" is rescinded. Former paragraph "d" is moved to 22.5(3)"b."

Subrule 22.5(3), "Emission offsets," is amended by adding paragraph 22.5(3)"a" establishing the conditions under which emissions offsets are obtained from certain sources. Paragraph 22.5(3)"b," formerly paragraph 22.5(2)"d," is added. Paragraph 22.5(3)"c" pertaining to increased emissions is added. Paragraph 22.5(3)"d," establishing the timing for emissions reductions claimed as offset credit, is added. The first unnumbered paragraph of 22.5(3) is numbered as 22.5(3)"e."

Changes are proposed to paragraph 22.5(4)"a" to ensure compliance with the Clean Air Act. Paragraph 22.5(4)"b," "Offset ratio," is rescinded. Paragraph 22.5(4)"g" is replaced by "Reduction credits" conditions. Paragraph 22.5(4)"i" is rescinded and replaced by new language substantially incorporating portions of 22.5(4)"g" with portions of 22.5(4)"i" and adding additional "Shutdown or curtailment" conditions.

Subrule 22.5(5) is corrected for numbering changes. Subrule 22.5(6) is entitled "Control technology review," and a requirement that major stationary sources meet certain applicable emissions limitations is established. Minor changes are proposed to subrule 22.5(8), "Alternate site analysis." Additionally, conditions for permit approval, and public availability of information are added in new subrules 22.5(9) and 22.5(10).

Any person may make written suggestions or comments regarding the proposed amendments on or before _____.

Written comments should be directed to Catharine Fitzsimmons, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50309-0034, FAX 515-281-8895.

A public hearing will be held on _____, at _____, in _____ at which time comments may be submitted orally or in writing.

Any persons who intend to attend a public hearing and have special requirements, such as hearing or mobility impairments, should contact the Department of Natural Resources to advise the Department of specific needs.

These amendments may impact small businesses.

These amendments are intended to implement Iowa Code section 455B.133.

The following amendments are proposed.

ITEM 1. Amend subrule 567--22.5(2) as follows:

22.5(2) ~~Emission offset applicability~~ Applicability.

a. The requirements contained in rule 22.5(455B) shall apply to any new major stationary source or major modification that, as of the date the permit is issued, is major for any pollutant for which the area in which the source would construct is designated as nonattainment (in 40 CFR 81.316, as amended through May 31, 1995).

b. The requirements contained in rule 22.5(455B) shall apply to each nonattainment pollutant that the source will emit or has the potential to emit in major amounts. In the case of a modification, the requirements shall apply to the significant net emissions increase of each nonattainment pollutant for which the source is major.

~~a. c.~~ Particulate matter ~~nonattainment areas~~. If a major source or major modification is proposed to be constructed in an area designated nonattainment for particulate matter in 40 CFR §81.316 (as amended through ~~March 10, 1994~~ May 31, 1995), then emission offsets must be achieved prior to startup.

If a major source or major modification is proposed to be constructed in an area designated attainment or unclassified for particulate matter in 40 CFR §81.316 (as amended through May 31, 1995), but the modeled (EPA-approved guideline model) worst case ground level particulate concentrations due to the major source or major modification in a designated particulate matter nonattainment area is equal to or greater than five micrograms per cubic meter (24-hour concentration), or one microgram per cubic meter (annual geometric mean), then emission offsets must be achieved prior to startup.

~~b. d.~~ Sulfur dioxide ~~nonattainment areas~~. If a major source or major modification is proposed to be constructed in an area designated nonattainment for sulfur dioxide in 40 CFR §81.316 (as amended through ~~March 10, 1994~~ May 31, 1995), then emission offsets must be achieved prior to startup.

If a major source or major modification is proposed to be constructed in an area designated attainment or unclassified for sulfur dioxide in 40 CFR section 81.316 (as amended through May 31, 1995), but the modeled (EPA-approved guideline model) worst case ground level sulfur dioxide concentrations due to the major source or major modification in a designated sulfur dioxide nonattainment area is equal to or greater than 25 micrograms per cubic meter (three-hour concentration), five micrograms per cubic meter (24-hour concentration), or one microgram per cubic meter (annual geometric mean), then emission offsets must be achieved prior to startup.

~~c. Emission offsets are required for carbon monoxide (CO) in carbon monoxide nonattainment areas.~~

~~d. Emission offsets for any regulated air contaminant in the designated nonattainment area shall provide for reasonable further progress toward attainment of the applicable national ambient air quality standards and provide a positive net air quality benefit in the affected area.~~

e. At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this rule shall apply to the source or modification as though construction had not yet commenced on the source or modification.

ITEM 2. Amend subrule 567--22.5(3) as follows:

22.5(3) Emission offsets.

a. Emission offsets shall be obtained from the same source or other sources in the same nonattainment area, except that the required emissions reductions may be obtained from a source in another nonattainment area if:

(1) The other area, which must be nonattainment for the same pollutant, has an equal or higher nonattainment classification than the nonattainment area in which the source is located, and

(2) Emissions from such other nonattainment areas contribute to a violation of a National Ambient Air Quality Standard in the nonattainment area in which the proposed new or modified source would construct.

b. Emission offsets for any regulated air contaminant in the designated nonattainment area shall provide for reasonable further progress toward attainment of the applicable National Ambient Air Quality Standards and provide a positive net air quality benefit in the affected area.

c. The increased emissions of any applicable nonattainment air pollutant allowed from the proposed new or modified source shall be offset by an equal or greater reduction, as applicable, in the total tonnage and impact of actual emissions, as stated in subrule 22.5(4), of such air pollutant from the same or other sources. For purposes of subrule 22.5(3), actual emissions shall be determined in accordance with subparagraphs 22.5(1)"n" (1) and (2).

d. All emissions reductions claimed as offset credit shall be federally enforceable prior to, or upon, the issuance of the permit required under this rule, and shall be in effect by the time operation of the permitted new source or modification begins.

e. Proposals for emission offsets shall be submitted with the application for a permit for the major source or major modification. All approved emission offsets shall be made a part of the permit and shall be deemed a condition of expected performance of the major source or major modification.

ITEM 3. Amend subrule 22.5(4)"a" as follows:

22.5(4) Acceptable emission offsets.

a. Equivalence. The effect of the reduction of emissions must be measured or predicted to occur in the same area as the emissions of the major source or major modification. It can be assumed that, if the emission offsets are obtained from an existing source on the same premises or in the immediate vicinity of the major source or major modification and if the air contaminant disperses from substantially the same stack height, the ~~emissions~~ emissions will be equivalent and may be offset. Otherwise, an adequate diffusion model must be used to predict the effect. If the reduction accomplished at the source is ~~in accordance with the ratio of 22.5(4)"b"~~ as

specified in subrule 22.5(3) and if the effect of the reduction is measured or predicted to occur in the same area as the emissions of the major source or major modification, the effect of the reduction at the measured or predicted point does not have to exactly offset the effect of the major source or major modification.

ITEM 4. Rescind paragraph 567--22.5(4)"b" and reserve the number.

ITEM 5. Rescind paragraph 567--22.5(4)"g" and replace with the following:

g. Reduction credits. Credit for an emissions reduction can be claimed to the extent that the Administrator and the department have not: (1) relied on it in issuing any permit under regulations approved pursuant to 40 CFR parts 51, 55, 63, 70, or 71, as amended through May 11, 1995; (2) relied on it in demonstrating attainment or reasonable further progress; or (3) the reduction is not otherwise required under the Clean Air Act. Incidental emissions reductions which are not otherwise required under the Act shall be creditable as emissions reductions for such purposes if such emissions reductions meet the requirements of subrule 22.5(3).

ITEM 6. Rescind subrule 22.5(4)"i" and replace with the following:

i. Shutdown or curtailment.

(1) Emissions reductions achieved by shutting down an existing source or curtailing production or operating hours below baseline levels may be generally credited if such reductions are surplus, permanent, quantifiable, and federally enforceable, and if the area has an EPA-approved attainment plan. In addition, the shutdown or curtailment is creditable only if it occurred on or after the date specified for this purpose in the plan, and if such date is on or after the date of the most recent emissions inventory or attainment demonstration, as the case may be, shall apply. However, in no event may credit be given for shutdowns which occurred prior to January 1, 1978. For purposes of this paragraph, the director may consider a prior shutdown or curtailment to have occurred after the date of its most recent emissions inventory, if the inventory explicitly includes as current existing emissions the emissions from such previously shutdown or curtailed sources. The work force shall be notified of the proposed curtailment or shutdown by the source owner or operator.

(2) The reductions described in subparagraph 22.5(4)"i"(1) may be credited in the absence of any approved attainment demonstration only if the shutdown or curtailment occurred on or after the date the new source permit application is filed, or, if the applicant can establish that the proposed new source is a replacement for the shutdown or curtailed source, and the cutoff date provisions in 22.5(4)"i"(1) are observed.

ITEM 7. Amend subrule 22.5(5) as follows:

22.5(5) Banking of offsets in nonattainment areas. If the offsets in a given situation are more than required by ~~22.5(4)"b"~~ 22.5(3), the amount of offsets that is greater than required may be banked for the exclusive use or control of the person achieving the reduction, subject to the limitations of this subrule. If the person achieving the reduction is not an individual, an authorized representative of the person must release control of the banked emissions in writing before another person, other than the commission, can utilize the banked emissions. The banking of offsets creates no property right in those offsets. The commission may proportionally reduce or cancel banked offsets if it is determined that reduction or cancellation is

necessary to demonstrate reasonable further progress or to attain the ambient air quality standards. Prior to reduction or cancellation, the commission shall notify the person who banked the offsets.

ITEM 8. Amend subrule 22.5(6) as follows:

22.5(6) Control technology review.

a. Lowest achievable emission rate. A new or modified major source in a nonattainment area shall comply with the lowest achievable emission rate.

b. For phased construction projects, the determination of the lowest achievable emissions rate shall be reviewed and modified as appropriate at the latest reasonable time which occurs no later than eighteen (18) months prior to the commencement of construction of each independent phase of the project. At such time, the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of the LAER for the source.

c. State implementation plan, new source performance standards, and emission standards for hazardous air pollutants. A major stationary source or major modification shall meet each applicable emissions limitation under the State Implementation Plan and each applicable emissions standard of performance under 40 CFR parts 60 and 61, as amended through May 30, 1995.

ITEM 9. Amend subrule 22.5(8) as follows:

22.5(8) Alternate site analysis. ~~If a major source of carbon monoxide or a major modification to a carbon monoxide source is proposed to be located in a carbon monoxide nonattainment area, the source owner or operator must submit an alternative site analysis.~~ The permit application shall contain a submittal of an alternative site analysis. Such submittal shall include analysis of alternative sites, sizes, production processes and environmental control techniques for the proposed source. The analysis must demonstrate that benefits of the proposed source significantly outweigh the environmental and social costs that would result from its location, construction or modification. Such analysis shall be completed prior to permit issuance.

ITEM 10. Add a **new** subrule 567--22.5(9) as follows:

22.5(9) Additional Conditions for permit approval.

a. For the air pollution control requirements applicable to subrule 22.5(6), the permit shall require the source to monitor, keep records, and provide reports necessary to determine compliance with and deviations from applicable requirements.

b. The state shall not issue the permit if the Administrator has determined that the applicable implementation plan is not being adequately implemented for the nonattainment area in which the proposed stationary source or modification is to be constructed.

ITEM 11. Add a **new** subrule 567--22.5(10) as follows:

22.5(10) Public availability of information. No permit shall be issued until notice and opportunity for public comment are made available in accordance with the procedure described in 40 CFR 51.161 (as amended through May 8, 1995).

These rules are intended to implement Iowa Code section 455B.133

Date

Larry J. Wilson, Director

Mr. Stokes briefly explained the proposed rules noting that they will come to the Commission next month for approval to take to public comment.

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PROPOSED RULE--CHAPTER 22, AIR QUALITY CONSTRUCTION PERMITS EXEMPTIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached is a draft Notice of Intended Action which proposes to amend Chapter 22 Iowa Administrative Code, "Controlling Pollution". The Commission had earlier adopted rules exempting certain new construction activities from the requirement to obtain permits prior to construction. Many existing sources of similar size and nature to those sources falling under this exemption language are applying for "after the fact" permits for the already constructed sources in order to qualify for air quality operating permits under the Clean Air Act of 1990. The purpose of this proposed rule amendment is to make the construction permit exemptions contained in subrule 22.1(2) retroactive to existing sources. This amendment also clarifies the wording of one sentence.

This notice is included in the agenda for the Commission's information only at this time. The Commission will be asked to approve a Notice of Intended Action to begin formal rule-making on this proposed rule at their October meeting.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution," Iowa Administrative Code.

The purpose of this amendment is to make the construction permit exemptions contained in subrule 22.1(2) retroactive. This amendment also clarifies the wording of one sentence.

Items 1 and 2 delete language which prohibits construction permit exemptions from being retroactive. Deletion of that language enables construction permit exemptions to be retroactive.

Item 3 clarifies a sentence. The word "change" in the existing rule could have been interpreted to mean that the rule applied only to the increase in emissions, for purposes of modeling. Item 3 rewords the sentence to clarify that even if there is a decrease in emissions, the department must ensure that the National Ambient Air Quality standards have not been violated.

Item 4 provides a method for those claiming a retroactive exemption, to provide information to the department. The current rule refers to new construction only.

Any person may make written suggestions or comments on the proposed rules on or before _____. Written comments should be directed to Gaye Wiekierak, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, FAX (515) 281-8895.

A public hearing will be held on _____ at _____ in _____, at which time comments may be submitted orally or in writing.

Any persons who intend to attend a public hearing and have special requirements, such as hearing or mobility impairments, should contact the Department of Natural Resources to advise the Department of any specific needs.

These rules may impact small businesses.

These rules are intended to implement Iowa Code section 455B.133.

The following amendments are proposed.

ITEM 1. Amend subrule **22.1(2)**, first unnumbered paragraph, as follows:

22.1(2) Exemptions. The provisions of this rule shall not apply to the following listed equipment or control equipment unless review of the equipment or control equipment is necessary to comply with rule 22.4(455B), prevention of significant deterioration requirements; rule 22.5(455B), special requirements for nonattainment areas, 567--subrule 23.1(2), new source performance standards; or 567--subrule 23.1(3), emission standards for hazardous air pollutants, in which case a permit must be obtained. If equipment is permitted under the provisions of rule 22.8(455B), then no other exemptions shall apply to that equipment. ~~If a source does not have a construction permit and should have had one, this subrule does not exempt the source from the requirement to obtain a construction permit.~~

ITEM 2. Amend subrule **22.1(2)**, paragraph "g" as follows:

g. Equipment or control equipment which reduces or eliminates all emission to the atmosphere. ~~If a source does not have a construction permit and should have had one, this paragraph does not exempt the source from the requirement to obtain a construction permit.~~ If a

source wishes to obtain credit for reductions under the prevention of significant deterioration requirements, it must apply for a permit for the reduction prior to the time the reduction is made. If a construction permit has been previously been issued for the equipment or control equipment, the conditions of the construction permit remain in effect. In order to use this exemption, the facility must comply with paragraph "s" below.

ITEM 3. Amend subrule **22.1(2)**, paragraph "i", last unnumbered subparagraph, as follows:

The department reserves the right to require proof that the National Ambient Air Quality Standards have not been violated by any ~~change made when claiming this exemption to~~ source which is being exempted from the air quality construction permit requirement. If the department finds, at any time after a change has been made pursuant to this exemption, evidence of violations of any of the department's rules, the department may require the source to submit to the department sufficient information to determine whether enforcement action should be taken. This information may include, but is not limited to, any information that would have been submitted in an application for a construction permit for any changes made by the source under this exemption, and air quality dispersion modeling.

ITEM 4. Amend subrule **22.1(2)**, paragraph "s" as follows:

s. A facility claiming to be exempt under the provisions of paragraph "g" or "i" above shall provide the information listed in 22.1(2)"s" (1) through 22.1(2)"s"(8) to the department. at least 30 days in advance of the beginning of construction on the project, a written statement which shall include the following: If the exemption is claimed for a source not yet constructed or modified, the information shall be provided to the department at least 30 days in advance of the beginning of construction on the project. If the exemption is claimed for a source that has already been constructed or modified and that does not have a construction permit for that construction or modification, the information shall be provided to the department immediately.

Mr. Stokes gave a detailed explanation of the proposed rules.

Terry Townsend stated that since the regulated community asked for this he does not see any problem with presenting these rules as a Final Rule and Notice of Intended Action in October. Commissioner Townsend asked how staff defines "immediately," as used in Item 4.

Mr. Stokes indicated that staff will change that language to be more definitive.

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AIR QUALITY BUDGET AND PERMIT FEES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission was provided information relative to air quality operating permit fees and the FY 95 & 96 budgets for the air quality program at their August meeting. This information will

be updated and recapped and the Commission will be asked to render a final decision on appropriate air quality operating permit fees to be charged for FY 96.

Mr. Stokes distributed copies of the Air Quality Program budget for SFY 1995 along with a list of staffing projections and FTE's added. He expanded on details of the budget. He noted that there will be a 3.8 million dollar carry forward at the end of SFY 95. He related that 2.2 million of that amount was a planned carry forward because fees will not be collected again until November. Mr. Stokes indicated that staff have met with the various stakeholders on this budget and the group came up with a good plan which will be momentarily outlined by some of their representatives. He stated that the carry forward makes it appear that there is a surplus and is very confusing to people. He related that it would make sense to cycle the payment of fees and the budget based on the state fiscal year, and it was decided to develop rule changes to collect fees in July, at the start of the fiscal year. Mr. Stokes noted that to get from the present to July, staff is proposing to retain the \$24 fee that is currently on the books, collect half of the fee in November, then cycle into a July collection if the rules are approved.

Appointment - Amy Christiansen

Amy Christiansen stated that every year the air fees are paid in November but the state fiscal year runs from July to the following June 30, which causes confusion as to what the real picture is budgetwise. She added that it would be best to clarify the budget and collect the fees when it makes sense, based on when the department needs the money. Ms. Christensen noted that even though the fees are set in November nobody knows what the actual emissions were for the past year. She related that the emissions data should be submitted first, then the staff and Commission would be able to set a fee based on what the actual emissions were for the last year. She distributed draft copies of a proposed rule change along with a proposed calendar for air budget and fee payments. Ms. Christensen indicated that industry supports the collection of \$12 in November and will continue to work with the department to work out the associated problems.

Appointment - Jack Clark

Jack Clark, Iowa Utility Association, stated that he and other stakeholders participated in more than five hours of discussion with DNR staff regarding the details of the budget. He also attended a two hour orientation on the computer imaging system RFP. He related that he presented concerns regarding several proposed expenditures in the budget and staff acknowledged those concerns. He added that he supports the proposal to collect partial fees as the budget develops and the air quality program is implemented. It gives everyone involved additional time to determine the level of expenditures that will be needed to implement the program.

Mr. Stokes stated that staff intends to bring a Notice of Intended action on possible rule changes next month. He noted that today staff is proposing to leave the fee at \$24/ton and to collect only \$12 in November, then come back and revisit the issue in May in terms of future payments.

Motion was made by William Ehm to approve the fee remaining at \$24/ton, collect only one-half of it in November, then revisit the budget issue in May to consider collecting a full years fee. Seconded by Michael Fesler. Motion carried unanimously.

APPROVED AS PRESENTED

GENERAL DISCUSSION

Animal Feeding Operation Permits

Referring back to earlier discussion that the department has only issued minimal permits, Mr Stokes clarified that staff have not been dragging their feet. He noted that staff processed permits right up to May 31, when the Governor signed the bill and it took effect. Staff then worked with stakeholders on developing guidance to implement and began issuing permits. The reason permits were not issued until recently was based on the fact that the staff were waiting for folks to get the things that are required in law.

Director Wilson stated that he had staff call the Des Moines office and visit with Ubbo Agena, and Ubbo indicated that the department did receive a FAX from Harold Trask on Thursday evening.

LAFA Grants

Director Wilson explained the LAFA program procedures including how the applications are scored and the criteria set out in the administrative rules.

Following a lengthy discussion on the LAFA program and possible review of the criteria, it was decided that the list of criteria should be available when grants are presented to the Commission.

ADDRESS ITEMS FOR NEXT MEETING

Refresher on LAFA criteria

NEXT MEETING DATES

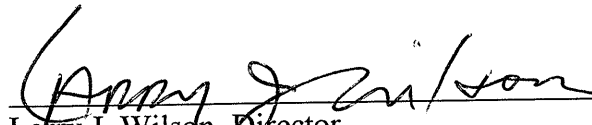
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September 1995


Environmental Protection Commission Minutes

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson King adjourned the meeting at 5:55 p.m., Monday, September 18, 1995.


Larry J. Wilson, Director


Rozanne King, Chair


Charlotte Mohr, Secretary

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